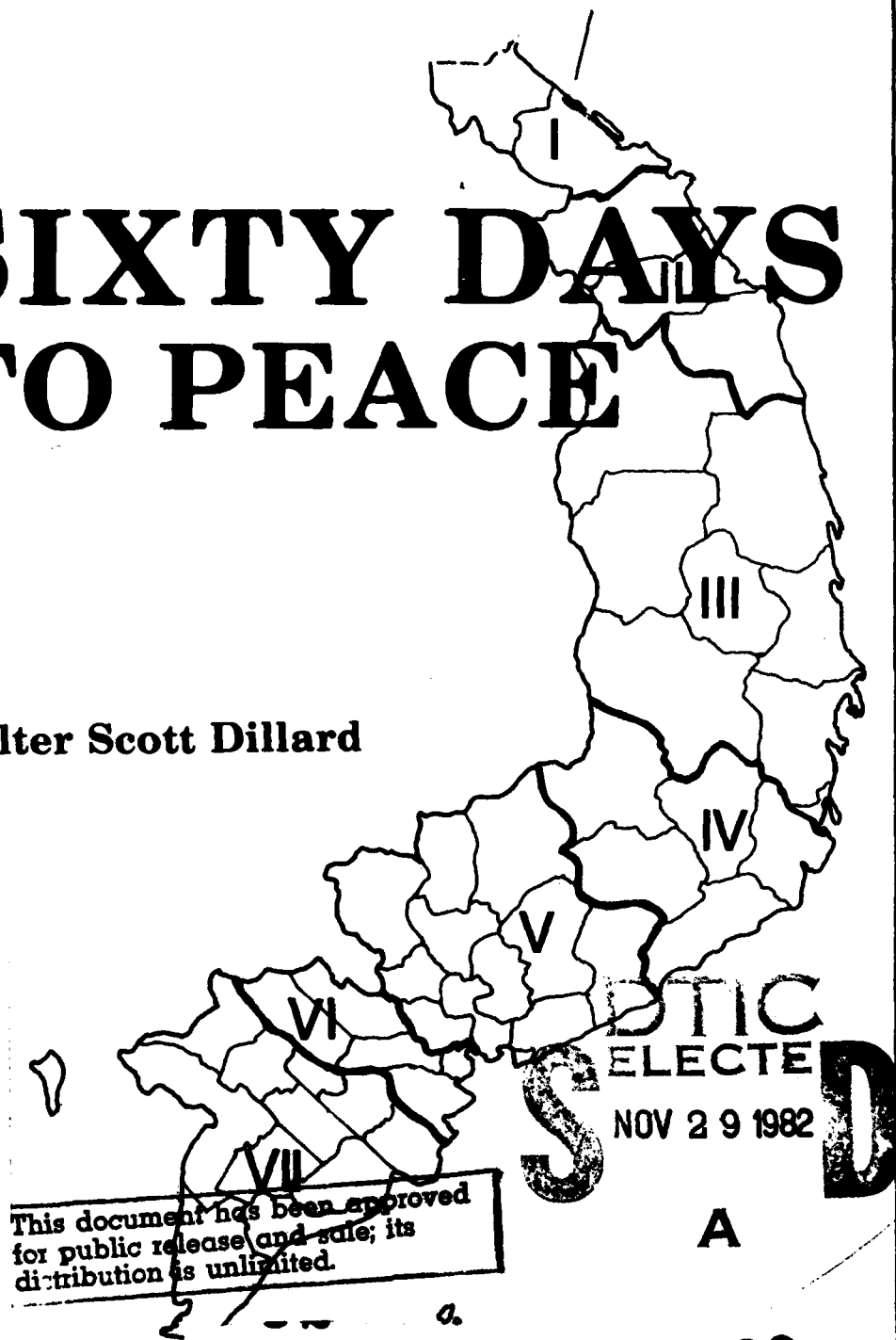


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# SIXTY DAYS TO PEACE

Walter Scott Dillard



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National Defense University

**SIXTY DAYS TO PEACE**  
**IMPLEMENTING**  
**THE**  
**PARIS PEACE ACCORDS**  
**Vietnam 1973**

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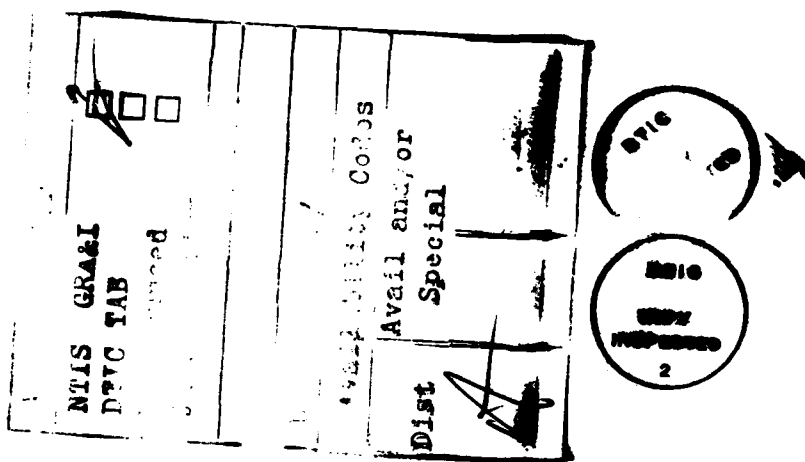
**by**

**Walter Scott Dillard**

**1982**



**National Defense University**  
**Fort Lesley J. McNair**  
**Washington, DC 20319**



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## FOREWORD

Historical events are never identical, but the study of them does provide a context within which to formulate meaningful questions to order and guide decisionmaking. And that is the purpose of our Military History Series—not to provide blueprints for future action, but, rather, historical benchmarks to assist in forming creative responses to the ever-changing global challenges to US interests and security. An especially informative historical period took place during the last days of the US military withdrawal from Vietnam.

On 23 January 1973, the President announced to the Nation that the United States and North Vietnam had reached agreement in Paris on “ending the war and restoring peace” in Vietnam. The accord provided for a Four-Party Joint Military Commission, composed of military representatives from North Vietnam, South Vietnam, the Viet Cong, and the United States, to implement certain provisions of the accord.

This National Defense University military history records the experiences of the US soldiers on the US Delegation during the 60-day life of the Commission. The author, Lieutenant Colonel Walter S. Dillard, USA, was the official historian of the US Delegation and is thus uniquely qualified to write of the events marking the last days of our military presence in Vietnam.

The author's analyses of these events should be instructive for those who would better understand the enigmas of US relations with the developing world; for our military who would better understand the functions of and constraints on such delegations; and for students of statecraft who would better understand the interplay between treaty-making and desired outcomes.



JOHN S. PUSTAY  
Lieutenant General, USA  
President

## **PREFACE**

**This book relates the experiences of the US Delegation, Four-Party Joint Military Commission and the Military Assistance Command, Vietnam (the MACV familiar to many Americans) in South Vietnam in 1973. These American "soldier-negotiators," in negotiating with the three Vietnamese parties on implementing the "Paris Agreement and Protocols on Ending the War and Restoring Peace in Vietnam," took part in a significant chapter in US and world history. Much can be gleaned from these experiences that may guide us in similar future situations, one consideration that led to this study.**

**Although I did not think so at the time, I was fortunate to be in Saigon as an observer of and participant in these events through a routine assignment to MACV headquarters as part of my military career pattern. I was first assigned as a staff historian in the MACV historical office, with short temporary duty stints as Military Assistant to Ambassador Ellsworth Bunker and as Executive Officer to the MACV Chief of Staff, then Major General Gilbert Hume Woodward. I was serving in this latter capacity during the last 2 weeks in October 1972 when I first became aware of the 8 October breakthrough in Paris between Henry Kissinger and Le Duc Tho that ultimately led, with some fits and starts, to the 27 January 1973 signing of the Paris Agreement and Protocols.**

**In early February 1973, I became the US Delegation Historian. It is vouchsafed to few historians to write about significant times and events through which they lived and in which they participated. It also makes objectivity difficult. I am one of those privileged to have lived in interesting times and subsequently to write about them both then and from a few years' perspective.**

**My task was eased immensely by the generous assistance provided by the US Army Center of Military History. In 1973 the Center agreed to be the initial repository of the working historical records of the US Delegation and to provide me assistance and working space to prepare the Final**

Report of the Chief of the Delegation, General Woodward. The Center has assisted me in many other ways in the intervening years; I would particularly like to thank and commend Mr. Vince Demma and Mr. Jeff Powell for their interest and support.

When I finished the Final Report, General Woodward urged me to use it some day as the basis for a published study so that the experience would not remain locked away in the archives and personal files of the participants. This book is the outgrowth of his encouragement. It incorporates extensively revised portions of that Final Report, which, for the purposes of writing this work, I treated as a draft.

In 1979, the staff of the Washington National Records Center, where the bulk of the historical documents concerning the US Delegation now are located, made it possible for me to work with dispatch and convenience in retracing the events of late 1972 and early 1973 in South Vietnam. In particular, Mr. Dave Foster and his irrepressible crew seemed to accept me as one of their own—a boon to any historian, and one for which I am humbly grateful.

Veterans of the US Delegation and MACV experience have been forthcoming and expansive in discussing their perceptions of those months, particularly Colonel Paul Miles, who played a central role in MACV headquarters. Ambassador Heyward Isham, who was familiar with what was taking place in Paris in 1972 and 1973, provided keen insights to strengthen the study. Professor I. B. Holley of Duke University provided the critical comment essential to strengthening any monograph. His help was immense. All consulted have helped to breathe life into these pages through their constructive comments and reminiscences.

To broaden and enrich the narrative, I have drawn from my personal correspondence, notes, and memories impressions of individual and organizational attitudes and the changing atmosphere and degrees of excitement in Saigon from October 1972 to the end of March 1973. Pertinent memoirs, special studies, and other published sources provide this work with perspective and balance.

The quality of this study owes much to the editorial expertise and direction of Ms. Evelyn Lakes and Mr. George C. Maerz, whose services on the staff of the Research Directorate, National Defense University, are too valuable to be described. Any remaining faults are solely my responsibility.

I would also like to thank the dedicated word processing staff of the Research Directorate for laboring over successive drafts.

I owe a debt of gratitude to the US Army, the President of the National Defense University, and the Commandant of the National War

College for permitting me to proceed with this writing. I am appreciative of the time that my collegial Research Fellows spent in critiquing the writing in the course of its development. I am deeply grateful for the support and encouragement freely given by Colonel Frank Margiotta, Director of Research, National Defense University.

Finally, I wish to dedicate this effort to the memory of Gilbert Hume Woodward, 1917-1973, Lieutenant General, US Army, and Chief, US Delegation, Four-Party Joint Military Commission, who died, as he had lived much of his career, in a faraway land in the service of his country.

**Walter Scott Dillard**

## THE AUTHOR

Lieutenant Colonel Walter Scott Dillard, United States Army, wrote this book while a Senior Research Fellow in the Research Directorate, National Defense University, and, concurrently, a student at the National War College.

Colonel Dillard is a graduate of the US Military Academy, the US Army Command and General Staff College, and the National War College. He holds a doctorate in history from the University of Washington.

His recent assignments have included service on the Army General Staff, Office of the Chief of Staff, US Army, as speechwriter for the Secretary, Undersecretary, and Vice Chief of Staff; and in the Office of the Deputy Chief of Staff for Operations and Plans, as an Army strategist. He has also served as Commander, 1st Squadron, 4th Cavalry, 1st Infantry Division, Fort Riley, Kansas. Colonel Dillard served two tours in Vietnam—in 1966–67 as an infantry company commander, 1st Infantry Division, and in 1972–73 as a staff historian, MACV Headquarters, and then as Historian, US Delegation, Four-Party Joint Military Commission.

Colonel Dillard is currently Associate Professor of History, US Military Academy. In addition to teaching, he is preparing a textbook on the military history of the Vietnam War for use in a course on the History of the Military Art required of all West Point cadets.

## CHRONOLOGY

This brief chronology of significant events involving the United States in South Vietnam will be helpful in setting the experience of the US Delegation in its historical context.

*1946:* Hostilities open between the French and the Viet Minh led by Ho Chi Minh.

*1950:* United States signs Mutual Defense Assistance Agreement with France, Vietnam, Cambodia, and Laos for indirect American military aid to Vietnam, Cambodia, and Laos.

*1951:* United States signs agreement with Vietnam for direct economic assistance.

*1952:* US Mission in Saigon is elevated to Embassy status. The 200th American ship carrying military aid arrives in Saigon.

*1954:* Dien Ben Phu falls to Viet Minh assault, a French military defeat. The Geneva Conference on Indochina divides Vietnam at the 17th parallel into North and South Vietnam.

*1955:* US Military Assistance Advisory Group (MAAG) takes over the training of the South Vietnamese Army. Southeast Asia Collective Defense Treaty (SEATO)—with its protocol covering Vietnam, Cambodia, and Laos—comes into force.

*1959:* Communist insurgent activity dramatically increased over past several years. US military advisers are provided to infantry regiment, artillery, armored, and separate Marine battalion levels. Several US MAAG personnel are killed and wounded in Communist attack on Vietnamese military base at Bien Hoa.

*1962:* *New York Times* reports that American military strength in South Vietnam is now 4,000. US Military Assistance Command, Vietnam (MACV) is formed.



*1964:* The Gulf of Tonkin incident occurs; President Lyndon Johnson orders air attacks against North Vietnam. American military strength in South Vietnam reaches 195,000.

*1965:* Bombing of North Vietnam halts. President Johnson's peace offensive fails; air attacks resume in pattern followed for remainder of war. US combat unit buildup in South Vietnam begins.

*1966:* US combat unit buildup continues. B-52 bombers begin strikes in North Vietnam. Captured American pilots are paraded through the streets of Hanoi. US troop strength in South Vietnam reaches 389,000.

*1967:* US troop strength reaches 463,000 in June and nearly 500,000 by end of year.

*1968:* Communist offensive of Tet '68 takes place, beginning in January. Paris peace talks open in May, but procedural deadlock continues for remainder of the year.

*1969:* Procedural deadlock at Paris talks breaks in January; substantive sessions begin. President Richard Nixon takes office in the United States. President Nixon announces in June a decision to withdraw 25,000 American troops; in September the President announces the withdrawal of an additional 35,000 by year's end. The "Vietnamization" program begins. Ho Chi Minh dies. Secret talks between the North Vietnamese and Henry Kissinger begin.

*1970:* In April President Nixon announces the withdrawal of another 150,000 troops to be completed by spring 1971. The Cambodian incursion and the Son Tay raid take place.

*1971:* In April President Nixon announces that American troop strength will be reduced to 184,000.

*1972:* President Nixon announces in January that American troop strength is to be reduced to 69,000 by May 1, the lowest level in almost 7 years. Secret talks are revealed in January. In March the North Vietnamese begin their spring offensive and invade South Vietnam across the demilitarized zone around the 17th parallel; Quang Tri Province capital falls but is retaken in September. Haiphong harbor is mined. Breakthrough occurs in the secret talks on 8 October, followed by Kissinger's "Peace is at hand" press conference on 26 October. In October MACV begins planning for implementation of any agreement that may follow.

## INTRODUCTION

This is the history of the US Delegation, Four-Party Joint Military Commission, in the Republic of Vietnam, during the final days of the formal American troop commitment in 1973. It is another piece of the historical puzzle, even bewilderment, about the US intervention in South Vietnam subconsciously guiding the thoughts of many Americans today, years after the withdrawal and the cause was lost. This is also a study of how US military forces in the combat theater of South Vietnam organized themselves to deal with the enemy to fulfill the requirements of an agreement and series of protocols imperfectly negotiated in Paris. It is a study of accomplishment and failure, quiet satisfaction and deep frustration, elation and despair.

Almost fortuitously, staff officers of talent were on duty at Military Assistance Command, Vietnam (MACV) headquarters to set up the US Delegation; some, in fact, later became members of the delegation. They had been routinely assigned to South Vietnam; only a few had volunteered, except in the sense that by not resigning from military service, they could not be considered forced to come against their will. Significant numbers held advanced degrees from excellent universities in disciplines such as history, international relations, political science, and economics that lent themselves readily to application in Vietnam and the work of the delegation, as well as provided academic depth and background. Some had been on the faculties of the Military Academy at West Point and the Air Force Academy at Colorado Springs before their routine assignment to South Vietnam. At least two, Major Paul L. Miles and Major Larry D. Budge, who later became key staff assistants to the delegation chief, were Rhodes scholars. The majority were experienced field grade officers who had served in a wide variety of assignments in the United States and abroad. As a group, they could be characterized as oriented toward accomplishing whatever mission they might be given; in ordinary circumstances, they would have possessed the necessary skills and resources to succeed. The complex realities, perceptions, and attitudes involved in trying to end

## 2 INTRODUCTION

the war in Vietnam seem in retrospect to have frustrated much of their effort.<sup>1</sup>

As is typical of many wars in the modern era, the Vietnam war—or at least American participation in it—ended through negotiations. In 1973, no party to the conflict surrendered, and, at least ostensibly, no territory changed hands, although the Paris treaty provisions concerning an “in-place cease-fire” and “areas of control” had the effect of turning territory over to and legitimizing the insurgent Viet Cong. The argument is compelling that the Communist parties to the conflict gained far more in Paris than they could ever have won or hoped to win on the Vietnam battlefield, but it is also clear that by 1972 and 1973 the American public and Congress were tired of the war. The North Vietnamese, South Vietnamese, Viet Cong, and Americans all realized that the United States had had enough. The Communists gained an end to the bombing and forced the withdrawal of American combat troops from South Vietnam; the United States brought its fighting men and prisoners of war home; the South Vietnamese were left to face an uncertain future.<sup>2</sup>

Vietnam was the second stalemated war in which the United States was involved in this century. That several years later there was no longer a stalemate is a different issue, with different causes and ramifications too complex to be more than mentioned here. But in 1973 it was a stalemate, not the same as Korea, but nonetheless a stalemate from the point of view of American arms.

The United States may become involved in localized wars again, either directly or indirectly, and, like all wars, such conflicts must eventually come to an end. If there is superpower interest on both sides, the result may well be another stalemate. One purpose of this study is to capture the historical experience marking the end of US military participation in the Vietnam war. One of the difficulties faced by American planners in Saigon was the lack of systematic historical treatises addressing the critical issues of how to organize to implement a cease-fire, a prisoner exchange, troop withdrawals, and the other tasks involved in ending a war in the middle. MACV had immediately available to it Walter Hermes' *Truce Tent and Fighting Front*, a volume in the US Army's official history of the Korean war. Some materials on procedures used at Panmunjom on a daily basis were dispatched from Korea. And in the MACV files was an extensive study (as yet not rediscovered, perhaps lost forever) dating from the late 1960's that addressed some cease-fire questions. All of these documents were helpful, but none addressed the basic questions of how to organize or how to proceed when the military forces of the belligerents were intermingled throughout the combat zone. This study may in some small way help fill that void in the future.

In many ways, the 1973 Paris Agreement on Ending the War and Restoring Peace in Vietnam, with its attendant protocols, was bound to fail despite two spectacular short-range achievements: the return of the American prisoners of war and the withdrawal of US combat forces from South Vietnam by the end of March 1973. Those actions effectively ended active American participation in a war that continued until 1975 among the Vietnamese themselves. That this would be the ultimate outcome should not be surprising; some observers and participants perceived at the time that it would be so. More importantly, a goal of this study is to help explain why it happened this way, insofar as the narration of events that occurred from October 1972 through March 1973 can aid understanding. The perspective taken is that of the American delegation in Saigon, with additional analysis where the events themselves do not sufficiently illuminate their own significance.

The study's explicit purpose, however, is to prepare a detailed history of the US Delegation, Four-Party Joint Military Commission. Although there is a section of conclusions, the unfolding of the narrative seeks to answer three basic questions:

- What were the successes of the delegation and why;
- What were their failures and why; and
- What can be learned from their experience.

There is a key assumption. This study was prepared with the inclination to believe that the Americans in Washington, Paris, and Saigon involved in this effort were of good will and intent. Unless the evidence indicates otherwise, they were also subject to the normal human weaknesses one might expect to find in a situation as complex and hectic as that in Vietnam in late 1972 and early 1973. The account is unabashedly written from the American point of view. The time has come for the Nation to look itself squarely in the eye and assess the record. The United States has had few defenders in print—even fewer who have tried to understand.

### Introduction . Notes

1. Personal recollections and assessment of author.
2. BDM Corporation, *A Study of Strategic Lessons Learned in Vietnam*, 9 Vols., plus Executive Summary.

# 1

## **POLICY PLANNING IN WASHINGTON, PARIS, AND SAIGON: PEACE IS AT HAND**

*Peace is at hand.*

Henry A. Kissinger  
26 October 1972

In 1972, the negotiations for ending the war in Vietnam had been without result since they began in 1968. To be sure, the shape of the negotiating table had been decided on, but little else had been. The long war continued even though American troop strength declined in the following years. When was it to end? All depended on a contest of will: the resolve of the United States to see the war through to an honorable end and the conflicting resolve of the North Vietnamese to arrive at a final, advantageous settlement that would permit them to continue their protracted struggle to unify the two Vietnams under the banner of Hanoi. This seems even clearer in retrospect; at least, that is the end result, and it did not happen by accident.

There were peaks and valleys in the level of violence in the Vietnam war from the Tet offensive of 1968 to the North Vietnamese spring offensive of 1972. Ironically, the North Vietnamese never admitted they had troops in South Vietnam; therefore, they never had to withdraw them. Sustaining perhaps even greater reverses in 1972 than in 1968, the North Vietnamese finally decided to participate in meaningful negotiations. They made a proposal in Paris in September 1972 that yielded to the most

significant American objections to earlier North Vietnamese proposals. The final Paris Agreement and Protocols were subsequently based on that document.

The breakthrough actually occurred on 8 October 1972. Few people in Saigon had been informed the settlement was so near at hand. Indeed, an atmosphere of crippling secrecy surrounded the substance of the negotiations in Paris, hampering the efforts of key American officials in Saigon over the next several months.<sup>1</sup>

Dr. Henry A. Kissinger, National Security Adviser to the President, left Paris and returned to Washington on 12 October with the draft treaty, which was reviewed for several days at high echelons in the White House and government. However, even during this review, key American officials in Saigon still did not know exactly what had taken place in Paris. They had had little opportunity or advance warning to proceed with planning for the cease-fire that, at least in mid-October 1972, seemed imminent. The day before he left Paris, Kissinger cabled Ambassador Ellsworth Bunker that there was a possibility of a cease-fire, but not in a "time frame shorter than 2 weeks." That there might be a cease-fire in as short a time as 2 weeks worried General Frederick C. Weyand, Commander, US Military Assistance Command, Vietnam (COMUSMACV), who would have to implement it. Kissinger seemed unaware that the military situation in Vietnam was unlike that of earlier conflicts, such as the World Wars and Korea, where battle lines were clearly delineated and the question of who possessed what territory at the time of the cease-fire was not so difficult to determine.

After officials in Washington had carefully analyzed the draft treaty, Kissinger, accompanied by General Creighton W. Abrams, Army Chief of Staff and Weyand's predecessor as MACV commander, flew to Saigon to discuss with Ambassador Bunker and General Weyand the decisions that would soon have to be made. Kissinger's arrival on 18 October brought to the fore other problems that would continue to plague Bunker and Weyand throughout this early period of planning. Most important, South Vietnamese President Nguyen Van Thieu had to be persuaded to agree to the treaty. Indeed, not only was his agreement necessary, but his cooperation—and therefore that of the South Vietnamese bureaucracies, both civilian and military—was essential to the success of the planning for implementing the agreement and protocols.

Kissinger soon became aware, however, that the South Vietnamese Government was not pleased with the results of the secret negotiations in Paris. Not even the prospect of an immediate, massive infusion of American aid—arms, equipment, and other supplies—offered by General Abrams

as part of a new logistical effort, Operation Enhance Plus, could persuade Thieu at this time to drop his opposition. Several days later, a troubled Kissinger departed for Washington with a list of Thieu's objections and the stipulations the South Vietnamese wanted negotiated into the draft agreement.<sup>2</sup>

Nevertheless, not all had been lost from the point of view of the American senior officials left in Saigon. Before Kissinger began his frustrating round of discussions with Thieu and the South Vietnamese, he had briefed Weyand and Bunker on the nine points of the 8 October North Vietnamese proposal and the main provisions of the draft agreement. With his powerful sense of the need for secrecy, however, Kissinger had not allowed Weyand and Bunker to begin formal planning. He had forbidden them even a small planning staff to begin the work of analyzing the tasks to be accomplished and the problems likely to be encountered during the short, 60-day implementation period once the agreement came into effect. On the other hand, at least now they could begin thinking about the scope of what had to be done and to sketch out in discussions among themselves some preliminary concepts.<sup>3</sup>

Several days after Kissinger's return to Washington, the North Vietnamese, unwilling to accept the delay resulting from the debates in Saigon, decided to pressure the United States by making public the basic elements of the agreement as well as the details of the history of the negotiations.

Although Kissinger had planned to hold a press conference on 26 October, the revelations broadcast from Hanoi the day before led him to discuss in some detail the nature of the agreement that had been drafted in Paris 2 weeks earlier. In this famous "Peace is at hand" news conference, Kissinger raised the hopes of the American people. He also confirmed the essential truth of the Radio Hanoi message and then analyzed the major provisions of the agreement.

The nine general points of this October draft agreement as it appeared from both the North Vietnamese revelations and Kissinger's remarks were as follows:

- The United States would respect the independence, sovereignty, unity, and territorial integrity of Vietnam as recognized by the 1954 Geneva Agreements;
- Within 24 hours of the signing of the agreement, an in-place ceasefire would go into effect with restrictions on troop reinforcement and replacement of war materiel;
- US forces would be withdrawn within 60 days of the signing of the agreement, simultaneously with the return of American prisoners of war;

- The South Vietnamese people would exercise their right to self-determination by establishing a National Council of Reconciliation and Concord to assist in maintaining the cease-fire and to join in international supervision of free and democratic elections that would decide South Vietnam's political future;
- Reunification of Vietnam would be carried out step-by-step through peaceful means;
- Four-party (United States, North Vietnam, Viet Cong, and South Vietnam) and two-party (South Vietnam and Viet Cong) joint military commissions and an international commission of control and supervision would be established, and within 30 days after the effective date of the agreement an international conference on Vietnam would convene;
- The neutrality, independence, and sovereignty of Cambodia and Laos would be respected, and the territories of these two countries would not be used to encroach on the sovereignty and security of other countries;
- A new period of reconciliation between the United States and North Vietnam would follow in which the United States would contribute to healing the wounds of war and the postwar reconstruction of Indochina; and, finally,
- The agreement would come into force when it was signed and would be strictly implemented by the signatories.

Kissinger's most significant comments, however, concerned remaining unresolved issues. In particular, he hinted that the South Vietnamese had to be brought into the agreement before significant additional progress could be made.<sup>4</sup>

The North Vietnamese could not have been surprised by President Thieu's reaction to the details negotiated between Kissinger and Le Duc Tho. How to neutralize Thieu's reaction was probably a key consideration in their planning from the time the Paris talks seemed to be moving to a fruitful close. What seems clear is that Hanoi was no longer willing to permit Kissinger the luxury of negotiating in secrecy for fear that he would bring the South Vietnamese into the negotiating process. In any case, they did not want Saigon involved in proposing amendments, either directly or through the United States as an intermediary, that would put North Vietnam in the position of confirming the legitimacy of the Thieu government through the necessity of having to negotiate with it even indirectly. In any case, if their behavior and actions are used as a guide, Tho and his Polit-



buro colleagues seemed to feel that the secret bilateral talks with the United States were their exclusive property, not to be shared with Thieu.

In Southeast Asia, Americans and Vietnamese listened intently. Skepticism, excitement, and resignation were in the air at MACV headquarters. Although Kissinger had said, "We believe that peace is at hand," most staff members in Saigon remembered their hopeful reactions 4 years earlier when the open negotiations on ending the war in Vietnam had convened in Paris. That early promise had degenerated into disillusionment in the aftermath of the wrangle over the shape of the table and the long years of propaganda statements. The officers and enlisted troops in Saigon also remembered that Kissinger and Le Duc Tho had been engaged in private talks since at least July 1972; secret talks had actually started—albeit on an interrupted basis—as far back as February 1970. Some Army and Air Force officers had had several Vietnam tours. In most instances, their earlier tours had been spent as advisers, pilots, or small combat unit commanders. They knew firsthand how frustrating the Vietnam war was, and few of them harbored any illusions about how close at hand peace in any durable sense might actually be. Most of them had been in South Vietnam since the immediate aftermath of the North Vietnamese 1972 spring offensive, and they were acutely aware of the current military situation. Moreover, because Kissinger had wrapped his visit and the Paris document in such a blanket of secrecy, there were no immediate official statements from Ambassador Bunker or General Weyand to add to their store of knowledge.

Nevertheless, Kissinger's revealing press conference proved a boon for US Embassy and MACV staff officers in Saigon. They now were able to review his remarks and think about the needs of the days ahead, at least in broad-brush conceptual terms. Once the North Vietnamese and Kissinger had revealed the substance of the draft agreement, MACV and the Embassy no longer had any reason to stand and wait. The time had come to begin the formal preliminary planning for the cease-fire and implementation of the agreement and protocols, in whatever form they might emerge during the expectedly frustrating months of negotiations still ahead in Paris and Saigon. On 30 October, Kissinger directed Ambassador Bunker to begin planning, in conjunction with General Weyand, to have the machinery in place to supervise the cease-fire and to implement the results of the negotiations as soon as they went into effect.<sup>5</sup>

Specifically, the key American officials in Saigon were directed to start planning for two separate entities, a two-party and a four-party joint military commission. The Two-Party Joint Military Commission would be composed of representatives of the Republic of Vietnam (RVN)—the

Thieu government—and the Provisional Revolutionary Government (PRG) of the Republic of South Vietnam—the Viet Cong. The Four-Party Joint Military Commission would be composed of the United States; the Democratic Republic of Vietnam (DRV), or North Vietnamese; and the two South Vietnamese parties, RVN and PRG. Ambassador Bunker was to bring General Weyand completely up to date on the current state of negotiations and agreements. Within MACV headquarters, Weyand was directed to form a small, close-hold planning cell to work out the details of the Four-Party Joint Military Commission. Informal coordination and discussion with South Vietnamese General Cao Van Vien, Chief of the Joint General Staff, were authorized, but the American commander was prohibited from exchanging any papers at this early stage because of the delicate nature of the negotiations in Paris. Kissinger's staff asked General Weyand to provide a brief outline of his concept by 3 November.<sup>6</sup>

Washington officials in both the White House and the State Department were aware of the difficulties and imperfections in the draft agreement. They also realized that the South Vietnamese Government would be opposed to fundamental aspects of the document, which they had strenuously objected to during Kissinger's recent visit to Saigon. The White House recognized that Thieu would be reluctant to assist in the planning. Nevertheless, Ambassador Bunker was told to try to obtain the cooperation that Kissinger had been unable to achieve. The magnitude of the task was immense; Thieu's reluctance was still apparent after Kissinger's deputy, General Alexander M. Haig, had traveled to Saigon on 10 November. Haig had tried to persuade Thieu to accept the draft agreement in return for American efforts to renegotiate certain changes desired by the South Vietnamese. Despite a hint that President Nixon might approve an agreement that was acceptable to the United States with or without Thieu's support, cooperation from Saigon was not forthcoming.<sup>7</sup>

Earlier, and in the absence of directions from Kissinger, General Weyand had already begun to do some preliminary thinking. He had seen the draft agreement hammered out in early October and realized that much was left unsaid in that document. The political dimensions of ending the conflict were far too intermingled and linked with the military dimensions to permit a purely military commission to accomplish much of anything. General Weyand's main concern was that the specifics of what was to be accomplished under the nine general points of the October agreement were not set forth in any detail. He was worried that the entire burden would fall on his shoulders at the same time the resources that he had available to him would be rapidly dwindling; all American and allied foreign military forces were to be withdrawn during the 60-day period set for the life of the military commission. He suspected that matters un-

successfully negotiated in Paris over a 4-year period would have no better chance of successful resolution in South Vietnam in the middle of the combat zone.<sup>8</sup>

Now that he had permission to expand the membership of those privy to the draft agreements and negotiations, General Weyand set up a two-man planning cell working directly for the MACV Chief of Staff, Major General Gilbert H. Woodward. He asked General Woodward and this small cell to work out an initial plan based on the Korean experience.

Woodward's presence at MACV headquarters was fortuitous, for he was experienced in negotiating with Communist military delegations. The general had been Staff Secretary to the Berlin Command in 1953 and senior member of the United Nations Command Armistice Commission in Korea from 1968 to 1969. As a young lieutenant colonel, he had confronted the Russians, and as a general officer at Panmunjom he had negotiated the release of the crew of the USS *Pueblo*.

The two staff members of the planning cell were Colonel George T. Balzer, US Marine Corps, and Major Paul L. Miles, US Army, both in the MACV Plans and Operations Division. Woodward had observed Balzer and Miles at work for several months during their assignment to MACV headquarters. He also knew Miles by reputation from the young officer's assignment as aide-de-camp to General William C. Westmoreland, then Chief of Staff, US Army, just prior to Miles's tour in Saigon. Miles was an officer in the Army Corps of Engineers and was well-equipped to handle the intellectual demands of this sensitive assignment. He had graduated in the top of his class at West Point in 1960 and had immediately gone on to spend 3 years at Oxford University as a Rhodes scholar. Subsequent assignments, including his tour as aide to the Army Chief of Staff, had involved sensitive national security matters. The second member of the planning cell, Colonel Balzer, was a senior and experienced Marine combat officer who could be relied on to insure that the work of the cell would proceed without outside interference. Adequate talent was available in Saigon, therefore, to begin the endeavor; it was not necessary to ask Washington to send posthaste someone with special qualifications.

The two staff officers were given a copy of the draft agreement and moved into a room next door to General Woodward; thus they had direct, private, and unrestricted access to the MACV Chief of Staff. Both officers—and those who joined them in the intervening weeks in small groups—recognized the extremely sensitive nature of their work and the materials they were handling. Under no circumstances were they to let word of their enterprise slip out, and it never did. To ease their task, they also had direct access to General Weyand. This was necessary to prevent

stray staff papers, memoranda, or proposals from the cell falling into other hands, even friendly American ones. No chances were to be taken that unapproved plans might be leaked and thereby further disturb the already upset South Vietnamese Government.<sup>9</sup>

General Weyand had been asked by Kissinger's staff to provide a preliminary plan by 3 November. Miles and Balzer set to work immediately. For the first 3 days of November, they worked almost around the clock preparing a memorandum that Weyand could use as a basis for satisfying the requirement from Washington. This document took the form of "An Understanding for the Formation of the Four-Party Joint Military Commission." It addressed the basic problem confronting General Weyand and Ambassador Bunker, which was the separation of the military settlement from the political one. They wanted the political settlement to be negotiated between the South Vietnamese and Viet Cong, or in Paris, or anywhere that did not involve the proposed Four-Party Joint Military Commission.

In the short time available, the two planners were able to develop a concept paper that extracted from the draft agreement the basic tasks of the Four-Party Joint Military Commission and added to it the proposed organization that would be established in South Vietnam. They also outlined a set of working procedures.

The draft agreement had proposed several basic objectives, the first of which was to establish a cease-fire. At the time the cease-fire went into effect, American forces and those of the other powers allied with the Republic of Vietnam, including advisers to the police and other paramilitary organizations, were to hold in place until they were withdrawn from South Vietnam. The task of the Four-Party Joint Military Commission was to determine how to accomplish the withdrawal within the specified 60-day period. At the same time, all offensive actions by the armed forces of all parties to the conflict were to cease. Within the 60 days, American and allied military bases were to be dismantled and prisoners were to be returned at a rate comparable to the troop withdrawal. Prisoner lists were to be exchanged as soon as the agreement was signed, and all parties were to help account for the missing and the dead.

The question of civilian detainees was left to be resolved by the South Vietnamese and Viet Cong. The return of civilian detainees was never linked to the return of military prisoners in any document or negotiating position advanced by the Americans in either Saigon or Paris. This point is critical to understanding the stance the United States took in later negotiations both before and after the cease-fire. It also helped to separate the military settlement from the political one.

The proposed organization was logical and straightforward, reflecting a standard American military organizational concept. Each member party of the Four-Party Joint Military Commission—the United States, North Vietnam, South Vietnam, and the Viet Cong—would appoint a major general or equivalent as its chief delegate. Each chief would be authorized two executive staff assistants. These three representatives would constitute the accredited delegation to the central commission. The commission would be assisted by a secretariat. Each party would be represented equally within this organization, which would consist of an operations center, an administrative and interpreter section, a comptroller section, a public affairs section, and a logistics coordination section.

The central commission in Saigon would establish and supervise four regional control groups, one located within each South Vietnamese military region. These groups would be headed by colonels, or the equivalent, from all four parties and would be supported by a small operations section, an administrative and interpreter section, and a comptroller section. Each operations section would be staffed by an equal number of representatives from each party on a continuous basis. This concept of equal staffing by each of the four parties was consistent throughout the early stages of initial planning; in practice, however, each national force organized somewhat separately. Five control teams would be assigned to each regional control group. A team, composed of a single representative from each of the four parties, would be deployed as needed to outlying areas to provide direct, onsite supervision of commission functions. As an alternative to this scheme, the planners suggested having one such control team located in each South Vietnamese province.

In subsequent stages, the small planning group considered what the Communists might want with regard to organization. The group delved more deeply into the American experience during the Korean Armistice and examined in greater detail the French experience in Indochina. In the process, they became more flexible about organization. For example, the possibility that the North Vietnamese and Viet Cong would actually resist joint manning at all levels, and hence prevent the formation of a truly "joint" commission, loomed more significantly in American thinking. The planners' studies of the Communists suggested that the Viet Cong and North Vietnamese would prefer, perhaps even insist upon, an overall organizational approach that reflected their own command structure and political administrative apparatus. The Communist view eventually prevailed in Paris, resulting in seven regional control groups instead of the four that represented Saigon's general administrative and military command structure. This change was resented by the South Vietnamese because it appeared to legitimize Communist organization of the country.

The most important contribution made by the planning staff at this stage was the development of plans for the daily operation and negotiating procedures of the central commission. These plans would provide the guidelines for the operation of regional control groups and their control teams as well.

The planning particularly reflected the expertise of General Woodward, who based his guidance to Major Miles and Colonel Balzer on his Korean experience at Panmunjom, especially his securing the release of the *Pueblo* crew. The general focused on the problem of how a commission should operate, regardless of its tasks. He recognized that central commission meetings should not be stymied by rules that were too inflexible to permit progress. He wanted to avoid establishing rigid procedures that could be used by delegates to avoid being pressed on an embarrassing point or discussing a sensitive issue. Woodward gave special attention to the structure of the first meeting of the chief delegates; he knew it would establish the precedent and tone for others to follow in both Saigon and the regions. His Korean experiences also persuaded him to try to achieve progress through informal contacts with the Communists and South Vietnamese, using breaks in meetings and any other opportunities before, after, or between formal sessions, if the chiefs' deliberations were unproductive or unduly acrimonious.

Before General Weyand took his proposal to Ambassador Bunker for discussion and subsequent transmission to Washington, he discussed it informally with his South Vietnamese counterpart, General Cao Van Vien. Vien agreed with the thrust and main points of the plan, and the two senior generals agreed to go over a graphic outline of detailed organization and procedure within the next week. Vien, however, had expressed his wish that their discussions take place without reference to higher authority, and General Weyand had agreed. Vien was concerned about President Thieu's reaction to the draft agreement during Kissinger's Saigon visit several weeks earlier. Both officers knew that it was not the time to let political considerations delay planning, although both also recognized that General Vien would be operating under a handicap until President Thieu permitted full cooperation. General Weyand also realized that until this happened, the burden of planning and preparation would have to be borne primarily by MACV.<sup>10</sup>

The thrust of this initial MACV proposal was to separate the military sphere from the political to the extent possible and to propose joint organizations and efforts for the four parties at all levels within the broader framework of the commission.

Washington responded quickly and indicated that the White House staff was also beginning to realize there were more significant inadequacies

with the draft agreement that needed remedying than they had considered. It had now become clear to many that the difficulties did not center solely around the South Vietnamese Government's objections to the draft agreement; the Americans in Saigon who would be involved in implementing the agreement were also having difficulty in figuring out how it would work on the ground. One specific concern was the eventual need to regroup military forces along the lines provided for by the 1954 agreement. This dawning realization led to major structural changes in the basic draft agreement of early October, including a series of protocols to implement various aspects of the basic agreement.

It was also clear that, intimations to the contrary and despite the imminent 1972 US Presidential elections, President Nixon would not approve the draft agreement without the approval of the South Vietnamese. The attempt of Hanoi to apply pressure did not work; Nixon would wait until he could assure the American public that the document was reasonable. Oddly enough, the pressure to reach an acceptable agreement also began to fall more heavily upon the North Vietnamese. Hanoi realized now that the United States would not abandon South Vietnam unless it had an apparent even chance of surviving without the support of American troops. Nevertheless, until the elections were over, the North Vietnamese continued to insist upon signing the draft agreement unchanged. Their strategy seems clear; the final agreement itself implicitly favored North Vietnamese long-range plans.

Meanwhile, an almost constant flow of C-5 and C-141 Air Force cargo aircraft ferried supplies into South Vietnam on an accelerated basis. The purpose of this logistical operation—Enhance Plus—was the completion of Vietnamization, at least on the equipment and supply level, as soon as possible. It was also a signal to all observers, friendly or otherwise, of the determination of the US Government to insure that South Vietnam had an even chance to make a go of it, once American forces were withdrawn.

Officials on the White House staff now asked General Weyand for his ideas on how the Joint Military Commission would organize, police, and enforce the cease-fire. Although maps had been attached to the draft agreement, Washington queried the American commander about how to determine territorial limits of areas of control and access to those areas would be achieved, how logistical support of the areas could be insured, and, in general, how the cease-fire would work in place.

Kissinger's people also noted that the four-party arrangements must parallel the two-party arrangements. This implied that even greater coordination and discussion with the South Vietnamese were now necessary, since the United States would have very little to do with the longer term Two-Party Joint Military Commission once the four-party organization had

completed its task and disbanded. Washington also hinted at more substantive cooperation between the American commander and the South Vietnamese Chief of the Joint General Staff once Thieu accepted the results of the Paris negotiations.

The White House staff also wanted to know how and where the four parties could meet to put the agreement into effect. They asked if General Weyand could orchestrate radio contact between his headquarters, the Joint General Staff, and COSVN (the Viet Cong Central Office for South Vietnam) to work out the arrangement for the initial start of the four-party commission. Finally, in an almost gratuitous bit of guidance, General Weyand was told to have a draft proposal of organization and working procedures ready to table at the first meeting of the proposed commission.

These major requirements from Washington dealt with matters the military staffs alone could not easily settle. For example, sensitive political issues such as territorial control were extremely significant and could only be decided by the governments concerned. If such delineation were to be possible and workable, it would have to be negotiated in Paris—or somewhere—between the South Vietnamese and the Viet Cong. To hand this task to the Americans and Vietnamese in Saigon would doom a military cease-fire to failure unless the commission were specifically empowered to accomplish it.

In response to these new requirements, Ambassador Bunker called a meeting of key officials at his residence on Sunday afternoon, 5 November, to solicit ideas on implementing a cease-fire. The Americans in Saigon sensed that time might be running out on them; they wondered whether the pace of negotiations was accelerating, although they had no firm evidence that this was so other than an increase in demands from both Kissinger's staff and the State Department.

Ambassador Bunker, Deputy Ambassador Charles Whitehouse, General Weyand, Colonel Balzer, and Major Miles were present at this conference. General Weyand felt the Ambassador needed to know the essential requirements for an effective cease-fire from a military viewpoint, laying aside for the moment possible controlling political considerations. At this stage, the most useful approach was straightforward military advice that could be modified as political requirements dictated. Weyand's major concern was fixing the status of the opposing forces on the effective date of the cease-fire. This, he believed, was a two-party matter, in the political realm between the South Vietnamese and the Viet Cong, given that Hanoi steadfastly denied (and Kissinger had not contested the point) that North Vietnamese forces were present in the South. Moreover, for all intents and purposes, American ground combat forces would be nonexistent by the



time of a cease-fire. A major part of Weyand's thinking was focused on ways of securing the confidence of the South Vietnamese in the cease-fire.

Using a briefing chart he had prepared by hand in a last-minute discussion with Colonel Balzer and Major Miles before leaving for the conference, General Weyand discussed his proposals for the US position. He noted that in a true standstill cease-fire, neither side was permitted to improve its military posture; an effective cease-fire, then, was possible only when both the location and strength of opposing forces were fixed at the outset of the undertaking. To establish the status of all military units at the beginning of the cease-fire, both sides would have to submit unit designations, base locations, troop rosters, data on major armaments and other war materiel on hand, and forecasts of monthly subsistence-level supply requirements. This information would have to be verified and military units restricted to declared base areas. Logistical and replacement flow would have to be controlled continuously through agreed points of entry.

A related issue faced by General Weyand was Kissinger's troublesome tendency to assume that the commission could settle essentially political questions, particularly the difficult question of who controlled what territory. Weyand again stressed the need to keep the political problems separated from the military ones. The role of the commission should be relatively apolitical, he argued, and the commission should not be expected to provide a formula for the ultimate political settlement. If the commission were charged with the task of determining who exerted political control over what territory, the chance of accomplishing the more immediate objective of a cessation of hostilities was likely to be jeopardized.

General Weyand was concerned that this political issue, which could not be resolved in Paris despite years of negotiations, would be handed over to the commission. He knew the proper role of the commission should be to provide a mechanism and procedures that would be agreed to before the cease-fire went into effect and that would then insure a halt to military actions so that the South Vietnamese and Viet Cong could effect a peaceful political settlement. He was also concerned that, in the absence of an agreed delineation of territory, advance notice of a cease-fire would tempt the South Vietnamese to use their better mobility to implement a reverse leopard-spot strategy of their own to seize territory within the time available. Landgrabbing by the North Vietnamese and Viet Cong would make implementing a cease-fire even more difficult.<sup>11</sup>

Deputy Ambassador Whitehouse questioned the feasibility of an "in-place cease-fire." He was worried, not that the concept was improper, but that it might permit or even encourage last-minute landgrabbing. The

"leopard-spot" deployment of the Viet Cong would place South Vietnamese troops at a disadvantage and explained in part Saigon's reluctance to accept such a cease-fire. In response, Ambassador Bunker asked General Weyand to elaborate his concepts and the accompanying potential problems in the next several days.

At this meeting, the major political issue was determining how to secure the cooperation and confidence of the South Vietnamese. The consensus was that this should be handled by both Ambassador Bunker and General Weyand working with their South Vietnamese counterparts. General Weyand observed that if the Americans could persuade the South Vietnamese to start planning and coming to grips with the details of the cease-fire, their morale should be boosted and their concerns allayed once the uncertainty had passed and they saw that implementation of a cease-fire was manageable. General Weyand told Ambassador Bunker that he would confer with his counterpart, General Vien, immediately to review the ideas discussed at the meeting.<sup>12</sup>

When General Weyand met with Vien, the reaction of the Chief of the Joint General Staff seemed favorable although he contributed little of substance. Meanwhile, Brigadier General John A. Wickham, Jr., who had been brought into the process to help the MACV planners, began a series of conferences with a study group that had been established by President Thieu under the leadership of Lieutenant General Vinh Loc at the South Vietnamese Defense College.

General Wickham's presence in MACV headquarters was also fortuitous. An Infantry officer, he had served in Berlin during the early 1950's, at about the same time as General Woodward, and then earned a master's degree at Harvard in international relations. In the early 1960's he served with troop units along the demilitarized zone in Korea where he had an opportunity to see the effects of Communist operations in Asia. High-level staff assignments in Washington and troop-command assignments in Vietnam and Germany followed. In the mid-1960's, Wickham was aide-de-camp to the Army Chief of Staff at a time when Woodward served in the Office of the Chief of Staff. In 1972 Wickham was on the MACV staff as Director for Economic Affairs, a position that brought him into contact with most aspects of the Vietnam conflict and the South Vietnamese Government. When the Paris Agreement was signed, he became Woodward's Deputy Chief, US Delegation.

Uncertain as to the time remaining before the cease-fire agreement would be formalized in Paris, General Weyand had agreed at the 5 November meeting to provide Ambassador Bunker with a draft interim response to Washington's latest requirements as soon as possible. The MACV plan-

ners rushed to give the Ambassador material to transmit to the White House within several days. Elaborating on the concepts outlined by General Weyand at the meeting at the Ambassador's residence, the planners also addressed the implications of other elements of the draft agreement, such as the dismantling of American military bases in South Vietnam. General Weyand also suggested that the first contact between the four parties be arranged in Paris rather than through radio contact. Significantly, he again insisted that an effective cease-fire was possible only when the location and strength of opposing forces were fixed at the very beginning of the undertaking.

The activities and concerns of General Weyand and his planners for the next several weeks indicated the seriousness of their pursuit of a true cease-fire. Their misgivings pointed up some of the basic inadequacies of the October draft agreement. What exactly was a cease-fire in place? Certainly, it meant more than the simple requirement to stop all shooting. In the context of the Vietnam war, a cease-fire would not merely end the shooting, but more importantly, would help free the political negotiating process from the pressures of armed force. Some fundamental conditions, the Saigon planners believed, should therefore be incorporated into any cease-fire agreement for Vietnam.

The most important among these conditions were that after the cease-fire no belligerent should be permitted to improve his military position; to seize and occupy additional territory; to increase the force structure or strength of his units; or to augment the stocks of weapons, munitions, and other war materials on hand. At the same time, such conditions should not prevent the South Vietnamese from safeguarding their population from warfare perpetrated by guerrilla bands, who were likely to continue to operate despite the formally agreed and proclaimed cease-fire. The difficulty lay in determining the status and location of specific units, verifying the base-line data, and monitoring and controlling logistical replenishment.<sup>13</sup> If North Vietnamese and Viet Cong authority in areas claimed to be under Communist control was effective, such warfare would not continue if the Communists intended to abide by the provisions of the agreement and protocols once they came into effect. But the long history of warfare in Southeast Asia, as well as intelligence available to the South Vietnamese, did not provide much hope that the Communists would act in good faith, despite their leaders' assurances to the other parties.

General Haig and his party arrived in Saigon on 10 November in the wake of the Nixon reelection landslide to make a "political-military assessment." The MACV planners had already drawn up a lengthy draft for a proposed agreement between the belligerent military commanders in South

Vietnam. This effort set forth the planners' concept of how the cease-fire might actually work. Because the draft October agreement could be interpreted literally as halting all normal housekeeping, training, and logistical functions of the belligerent forces, it seemed clear to MACV that some changes were needed if the final agreement were to be workable. Thus the draft commanders' agreement for presentation to General Haig provided for food resupply, construction of housing for soldiers, aircraft training flights (particularly important to the Americans and South Vietnamese), and similar routine activities necessary for the survival of a fighting unit.

After the Washington delegation arrived, General Woodward, Colonel Balzer, and Major Miles met at the US Embassy with Deputy Ambassador Whitehouse and John Negroponte of the National Security Council staff. Negroponte was given a copy of the proposed commanders' agreement. Both Negroponte and Ambassador Whitehouse indicated to the MACV officers that their draft was unnecessarily detailed and overly involved with two-party matters. This criticism suggested a certain confusion in Washington about what was needed to complete the negotiations. It also suggested a measure of uncertainty about what was wanted or needed from General Weyand and his staff. The planners responded that they had been directed less than a week earlier to comment on the broad issues of the cease-fire and the commission, including specifically two-party questions such as areas of control. Therefore, MACV had drafted procedures for implementing Article 7 of the Cease-Fire Agreement, which concerned replacement materiel, points of entry, and so forth. This long draft commanders' agreement was largely an elaboration of the earlier planning done within MACV. With minor changes, suggested by Negroponte, revised copies were given to General Haig's party and to Ambassador Bunker on 11 November for transmission to Washington.

The proposal that Negroponte had reviewed also contained the results of several days of discussions and debate within the still-limited circle of officers admitted to the planning group. For example, on the points-of-entry question, MACV had opposed Kissinger's willingness to permit North Vietnamese use of the demilitarized zone for transit of replacement materiel and supplies. Now, however, General Weyand had come to think that the highway between Vinh in North Vietnam and Quang Tri in South Vietnam might be used as a point of entry. Other provisions were added to permit the designation of other points of entry where certain routes came into South Vietnam from Laos and Cambodia. Once troops and war materiel were withdrawn from these two countries as specified elsewhere in the October draft agreement, these points of entry would no longer be recognized.

In a subsequent conversation with Negroponte on 11 November, Major Miles said that he hoped the proposed military commanders' agreement and protocols would clearly delineate the functions of both the four-party and the two-party commissions to preclude confusion. In addition, Miles told Negroponte that MACV was providing detailed working procedures in the draft commanders' agreement to inform Washington how MACV visualized the requirements of a practicable agreement. Miles now realized that the agreement and protocols would not be renegotiated in Paris. An alternative approach was needed. If the cease-fire were to work, an additional, detailed, implementing "working procedures" agreement, based on the provisions of the draft commanders' agreement, should be negotiated in Saigon among the delegation chiefs.

The development of these lengthy proposals, and the seriousness with which the MACV planners and General Weyand approached the substantive question of the provisions necessary to make a standstill cease-fire work, reflected the complexity of planning that took place through early December. But Miles also learned from his discussions with Negroponte that the National Security Council staff would not engage in a parallel effort, despite the demonstrated willingness of MACV to participate and provide Washington with detailed plans considered from the perspective of the Americans in Saigon. This planning effort was not completely wasted, however. Some of these concepts were made available to, and used by, State Department technical experts in Paris in January to work out a number of details in the implementing protocols. Unfortunately, such critical matters as agreement on areas of control and fixing the status of forces were not incorporated.

General Weyand now was forced to accept the fact that the specific provisions that would make a military cease-fire work, thereby assuring an environment of peace wherein a political settlement could occur, were too detailed and too numerous to be renegotiated in Paris, given the situation there and the current determination of the President to secure a reasonable peace agreement as early as possible. Because MACV had not been consulted in the critical period of early October, the general felt it necessary to advise Kissinger and his staff that certain military ramifications of the draft October agreement required urgent consideration. At the very least, the principle of the standstill cease-fire had to be established in Paris if the proposed military commissions were to have any chance to work out the details. Making a peace in the combat theater was clearly more complicated than it had been considered in the meetings between Kissinger and Tho.

On 14 November, Kissinger responded to General Weyand's earlier basic concepts transmitted in the interim response from Bunker; he had not

yet seen and studied the lengthier paper of 11 November. Kissinger pointed out what MACV already perceived too well—the commissions in South Vietnam would have to negotiate most of the details, political as well as military, for the terms governing the cease-fire. The Presidential adviser indicated that any expansion of the existing draft cease-fire agreement beyond the brief document of 17 October was unlikely, and he doubted that freezing or validating unit strengths and locations was possible in face of the steadfast North Vietnamese refusal to admit that any of their units were in the south. Despite General Weyand's earlier objections, now overcome, Kissinger also believed that providing the North Vietnamese with a line of communication through the demilitarized zone was necessary to avoid giving them the chance or incentive to violate the terms of the cease-fire. Kissinger felt that the proposed points of entry for the South Vietnamese were acceptable, but that the number for the North Vietnamese appeared excessive. If MACV had any lingering doubts about the significance of Negroponte's comments, they were now removed. Weyand's suspicions that the burden of negotiating the critical details of a workable peace would be transferred from Paris to Saigon were confirmed.

The next day, the State Department provided Saigon with an outline for negotiating the protocols for the four-party and the two-party commissions. Drafts of these documents were provided in very brief form. The concept at this time appeared to be that the protocols would do no more than establish the commissions and provide a very general description of their organization and missions. Washington appeared to be giving scant consideration to the major concerns of the military commander charged with implementation; the lack of detail in the documents clearly indicated that almost all working procedures would have to be negotiated by the commission. The worst fears of General Woodward and the planning group were reinforced.

Two days later, the State Department elaborated on this concept by responding to the proposed military commanders' agreement, noting that a shorter alternate draft had been developed. The Department suggested that most of General Weyand's concerns would be satisfied if this new proposal for a military commanders' agreement were understood in conjunction with the basic draft October agreement, the draft protocols for the four-party and two-party commissions, and the draft protocols for the International Commission of Control and Supervision. In addition, General Weyand was asked once again to try to involve General Vien in planning for the two-party commission. The Department's Washington staff seemed either to ignore or to be unaware of the difficulties of involving General Vien in substantive planning as long as President Thieu continued to object to the status of the negotiations in Paris. Indeed, General Haig's

most recent discussions with Thieu had not been fruitful, and no cooperation was yet forthcoming from South Vietnamese officials. It seemed that both the White House staff and the State Department now wanted to use the Americans in Saigon to pressure Thieu as an additional resort.

Nonetheless, unofficial discussions at the Weyand-Vien level began in late November. Supplemented by the work of General Wickham's and General Vinh Loc's study groups, they produced some useful Vietnamese suggestions. By 21 November, certain changes were drafted and forwarded by Weyand to Washington. The MACV commander then informed General Vien and the South Vietnamese Prime Minister, Tran Thien Khiem, of these revisions. Until President Thieu's opposition was reduced, however, planning efforts could not advance, in any official sense, beyond the discussion stage.

What is not known is the degree to which Thieu was apprised by Vinh Loc, Vien, and the Prime Minister of these discussions. Although it must remain conjecture at this point, it is entirely possible that Thieu received the information, and that it stiffened his attitude against the ongoing Kissinger-Tho discussions in Paris.

Some points, however, whether developed by MACV alone or jointly with the South Vietnamese study group, required resolution in Paris rather than in Saigon, despite the attitude in Washington. An understanding had to be reached about the Marines to guard the Embassy; they could not be included in the withdrawal of the Americans. Similarly, the military personnel who would be assigned to the Office of the Defense Attaché had to be exempt from the withdrawal agreement. As a contingency, General Weyand also wanted to exclude those American military personnel who might be needed to deal with what he believed would be residual activities of the joint military commission once the 60-day period was over. In addition, MACV and the South Vietnamese had identified another aspect of military activity that should not be constrained by an "in-place" cease-fire—the military support elements, such as engineer and transportation units, that would be involved in the repair and construction of public facilities and utilities and the transporting of foodstuffs for the populace. Finally, the cease-fire should not prohibit normal military proficiency training if it were conducted with due regard for public safety.

On 3 December, General Weyand received word that the 15 November draft protocol on the four-party commission and the revised draft commanders' agreement of 22 November had been used during private negotiations with the North Vietnamese in Paris. This was the first notification received in Saigon that any of the MACV recommendations had been so used.<sup>14</sup>

The basic conceptual difference between the Americans in Saigon and those in Washington and Paris was that General Weyand and Ambassador Bunker in Saigon were trying to prepare a detailed implementing plan, whereas Kissinger and company were thinking on a broader scale. Certainly, it would be beneficial if some significant progress toward a final agreement took place before the November elections. Continued opening of the door to China would advance more easily if positive steps toward removing Vietnam as an issue between the two countries were clearly evident. Similarly, the diversion of American attention and resources from the Vietnam war would permit greater concentration on the needs and requirements of the Atlantic Alliance. In essence, then, although the specific goal of settling the Vietnam war was the same in all three capitals, the perspectives, methods, and subsequent aims differed greatly.

There were additional problems as well. Not only was Kissinger secretive by nature, but the distrust among governmental organizations within the executive branch of the US Government tended to have a "whip-saw" effect on the directions given to Weyand and Bunker in Saigon. In the course of his secret negotiations with Le Duc Tho, Kissinger often would denude the White House staff of Vietnamese experts on whom the President could rely. "The President distrusted the State Department too much to consult it," Kissinger observed, recalling a time when he was in Paris away from Nixon; "its Vietnam experts, in any event, were not informed about the state of play." The result was that those charged with operational considerations in Saigon—Weyand, Bunker, and their respective staffs—were faced with a confusing, sometimes contradictory, stream of messages from Washington and Paris.<sup>15</sup>

On 12 December, the North Vietnamese gave the American delegation in Paris a draft protocol on the cease-fire in Vietnam and the joint military commissions. This draft proposed combining in one protocol the establishment of both four-party and two-party commissions with an outline of their organization and functions. This combination finally prevailed despite the initial opposition of the United States. The American objection was based on the argument that separate protocols and commanders' agreements had been the usual procedure in the past. For example, most cease-fire agreements were signed by the military commanders concerned, as had been the case in World War II and Korea. The idea was that the governments concerned would set up the supervisory machinery and the military commanders on the scene would establish the conditions of the cease-fire.

For the next several days, General Weyand and his planning group studied the North Vietnamese draft. When a written analysis was presented to General Wickham, he realized that the MACV planners were



now attracted to the concept of combination. But it was also clear they did not like the implications of combining four documents—the protocols for the four-party and two-party commissions and the military commanders' agreement for the four parties and the two parties—into a single document. The planners observed that this would imply US responsibility for satisfactory operation of a two-party commission. They preferred to combine the protocols and commanders' agreement for the four parties in one document, those for the two parties in another. Indeed, they realized that the United States could not realistically assume serious responsibilities for the success of a two-party commission.

The MACV planners had other objections as well. The North Vietnamese draft made no mention of restoring the demilitarized zone and contained no provision for fixing opposing forces in place, a point that General Weyand considered essential. The North Vietnamese also omitted any mention of the use of military support elements such as engineers and transportation units in a public assistance role. The planners noted that the brief provision on the dismantling of American bases and troop withdrawal specified only that the four-party commission would determine how to implement these matters. MACV was concerned that the lack of specific provisions might lead to interminable delays through prolonged negotiations, a prospect to be avoided. Finally, the planners observed that the North Vietnamese proposal did not contain key provisions suggested by the Americans concerning communication channels among the belligerents on captured and missing personnel. The MACV officers believed that the United States could not insure the release of all captured Americans or account properly for the missing unless such channels were opened.<sup>16</sup> These objections were communicated to Washington through Ambassador Bunker.

The latest round of negotiations had failed to produce an agreement that could be accepted by the United States. The North Vietnamese unwillingness to consider the legitimate security requirements of the South Vietnamese, their unrealistic expectations about what they could reasonably achieve by holding adamantly to their proposals of 8 October, and a serious misjudgment of Nixon's determination were the major factors that propelled the conflict into its last tumultuous stage.

Kissinger briefed the press on 16 December. Several days later, General Haig flew to Saigon for last-minute discussions with the South Vietnamese Government on the status of the negotiations. If Haig failed to persuade President Thieu to drop his opposition to the basic agreement, then the United States intended to sign without South Vietnamese participation. Although the massive B-52 bombing campaign against the

North, which began the day of Haig's arrival, may have been some reassurance, the South Vietnamese had no choice but to capitulate. Without American support and aid, Saigon would be able to hold out only a short time against a North Vietnam supplied by both China and Russia. Once Thieu yielded, the South Vietnamese military and civilian bureaucracies should have been able to work more closely and cooperatively with MACV.<sup>17</sup> Unfortunately, without Thieu's willing and active support of the agreement and protocols, the relationship of those bureaucracies with MACV did not change significantly; assistance from them was not forthcoming.

The MACV planners took advantage of the presence of the Haig party to send their latest thoughts and analyses back to Washington. After review in the White House, these were forwarded to the American delegation in Paris, where they arrived in time to influence subsequent technical negotiations. The final protocols reflected much of this MACV analysis, although ultimately the four-party and two-party joint military commissions remained combined in the same protocol.<sup>18</sup>

In the meantime, the world watched to see if the renewed air strikes on Hanoi and Haiphong in some of the heaviest bombing attacks of the war would bring the North Vietnamese back to the bargaining table with a more reasonable attitude. Peace was not yet at hand.

## Chapter 1. Notes

1. I have drawn this brief summary of the events and the general atmosphere surrounding the period from the following sources: Richard M. Nixon, *US Foreign Policy for the 1970's*, 4 vols. (Washington, D.C.: US Government Printing Office, 1970-73); Henry A. Kissinger, *The White House Years* (Boston: Little, Brown & Co., 1979), pp. 226-311, 433-521, 968-1046, 1097-1123, 1301-1476; Richard M. Nixon, *The Memoirs of Richard Nixon* (New York: Grossett & Dunlap, 1978), pp. 365-864 passim; David R. Palmer, *Summons of the Trumpet: US-Vietnam in Perspective* (San Rafael, Calif.: Presidio Press, 1978); Sir Robert Thompson, *Peace Is Not at Hand* (New York: David McKay Co., 1974); Marvin and Bernard Kalb, *Kissinger* (Boston: Little, Brown & Co., 1974), pp. 120-85, 266-311, 336-422; Edward W. Knappman, ed., *South Vietnam: US-Communist Confrontation in Southeast Asia*, vol. 7, 1972-1973 (New York: Facts on File, 1973); Gareth Porter, *A Peace Denied: The United States, Vietnam, and the Paris Agreement* (Bloomington: Indiana University Press, 1975), pp. 65-125; Frank Snepp, *Decent Interval: An Insider's Account of Saigon's Indecent End, Told by the CIA's Chief Strategy*

*Analyst in Vietnam* (New York: Random House, 1977), pp. 3-55; *Time*; *Newsweek*; *The New York Times*; *The Washington Post*; *Far Eastern Economic Review*; and my own experience in South Vietnam at the time as a MACV historian with temporary assignments as executive officer to the MACV Chief of Staff, as Military Assistant to Ambassador Ellsworth Bunker, and, ultimately, as Historian, US Delegation, Four-Party Joint Military Commission. See also Chronologies, Washington National Records Center (WNRC), Record Group 319, Accession Number 74-051, Box 22, folder 2 (hereafter cited as Chronologies). NOTE: This and similar archival citations will be cited as WNRC 319-74-051, or the appropriate numbers for other accessions.

2. Kissinger, *White House Years*, pp. 1357-58, 1341-55, 1371; Kalb and Kalb, 358-77; Sneyd, 26-27; Nixon, *Memoirs*, pp. 691-703; interview with Gen. Frederick C. Weyand, 21 February 1973, "Records of US Delegation, Four-Party Joint Military Commission (VN)," WNRC 319-74-051, Box 23, folder 9; General Weyand's Briefing Notes, WNRC 319-74-051, Box 21, folder 26.

3. Weyand interview.

4. Kissinger News Conference, 26 October 1972, *Weekly Compilation of Presidential Documents*, 1972, vol. 8, no. 44 (30 October 1972), pp. 1565-71; Knappman, pp. 177-82; Weyand interview; Kalb and Kalb, pp. 379-82; manuscript comments by Ambassador Heyward Isham, National Defense University, 1 April 1980, in author's possession.

5. Historical Staff Papers, WNRC 319-74-051, Box 22, folder 7 (hereafter cited as Historical Staff Papers). These documents consist of my early drafts of sections of the Final Report, US Delegation, Four-Party Commission, and contain significant material and annotations that, for a variety of reasons, did not appear in the official Final Report.

6. Historical Staff Papers; Weyand interview; interview with Maj. Gen. Gilbert H. Woodward, Chief, US Delegation, Four-Party Joint Military Commission, 18 February 1973, WNRC 319-74-051, Box 23, folder 10; first interview with Maj. Paul L. Miles, 27 February 1973, WNRC 319-74-051, Box 22, folder 21 (hereafter cited as Miles interview 1). To avoid littering the pages of this study with acronyms, I shall refer to the Vietnamese parties as much as possible by the way most Americans knew them: for RVN, South Vietnamese; for PRG, Viet Cong; and for DRV, North Vietnamese. Where the term "commission" appears unmodified, it means the Four-Party Joint Military Commission.

7. Kissinger, *White House Years*, pp. 1411-12; Kalb, pp. 391-92.

8. Weyand interview; Miles interview 1; "Working notes and memoranda," WNRC 319-74-051, Box 22, folder 3.

9. Historical Staff Papers; Miles interview 1; Woodward interview; Weyand interview; interview with Col. George T. Balzer, 18 February 1973, WNRC 319-74-051, Box 22, folder 20. Details on the background and experience of Woodward and Miles come from the author's long discussions with them before, during, and after the period under study.

10. Weyand interview; Miles interview 1; Miles commentary on draft manuscript (in author's possession); Woodward interview; Historical Staff Papers. Included among the details of the draft working procedures were the following: Communiqués and minutes of the commission meetings were to be kept both in English and in Vietnamese and would require approval by all four parties for official sanction. Relations with the press were to be handled by the secretariat. The chairmanship of the commission would be established in a system of rotation from party to party. Each chairman was to serve a 15-day term following the order of the United States, North Vietnamese, South Vietnamese, and Viet Cong. The expenses of the commission were to be settled on a pro rata basis among the members of the commission. In this draft "Understanding," the central commission in Saigon was mandated to prescribe and approve the working procedures governing the activities of the regional teams, and to approve sites for team locations. If the central commission found it necessary to leave the Saigon and Capital Military District area, they would be required to travel as a body, occupying the same vehicle if possible.

To insure that the personnel of the commission were properly identified, the draft proposed that all levels of the organization be issued specific credentials of identification. Because a real danger of continued fighting existed after the cease-fire agreement was signed, plans were made for distinctive badges and brassards to be worn by members of the central commission, the regional control group, control teams, and their staffs when they were in the field on commission business. Vehicles in which they traveled, including aircraft and vessels, were likewise to display distinctive markings. Widespread publicity for these markings and badges throughout South Vietnam was deemed necessary. Central and regional headquarters were to be jointly manned, all were to travel together, in the same vehicle if possible, and local teams were to be composed of one member from each of the four parties.

11. General Weyand's Briefing Notes; Weyand interview; Miles interview 1 and comments on manuscript; Balzer interview; Woodward interview; Historical Staff Papers.

12. Miles interview 1; Balzer interview; Weyand interview.

13. Miles interview 1; Weyand interview; Balzer interview; Historical Staff Papers.

14. Miles interview 1; Weyand interview; Woodward interview; Balzer interview; Historical Staff Papers; Chronologies.

15. Kissinger, *White House Years*, p. 1351.

16. Miles interview 1; Weyand interview; Woodward interview; Balzer interview; Historical Staff Papers; Chronologies.

17. Kissinger Press Conference, 16 December 1972, US Department of State *Bulletin* (8 January 1973), pp. 33-41; Kalb and Kalb, p. 415; Knappman, p. 210.

18. Historical Staff Papers.

## 2

# ORGANIZING IN SAIGON: THE PROBLEM OF UNITY OF EFFORT

*Peace May Be a Little Late This Year.*  
*Newsweek* headline, 25 December 1972.

The events between early October and late December 1972 dampened the hope of the American people and American military men and women in Southeast Asia that a settlement of the Vietnam conflict was near. Nevertheless, planning and preparations within MACV headquarters continued on a carefully controlled basis. The original highly secret planning cell continued its substantive work on matters of policy.

But even as policy planning went forward, General Weyand and General Woodward realized that another significant aspect of the settlement was not being addressed in Washington or Paris. From their experience with the negotiations to date, they were certain that if and when a successful conclusion to the Kissinger-Tho private negotiations was reached, MACV and the other military parties to the conflict would be required to implement the agreement hastily. Organizational plans, including the designation of personnel, were urgently needed. At the same time, Kissinger continued to insist that access to knowledge about the highly sensitive state of negotiations be limited. This policy, coupled with the South Vietnamese Government's unwillingness to permit substantive participation in MACV planning until Haig's visit in late December, made the task faced by Woodward and Weyand increasingly difficult.

Nonetheless, the prospective need to act rapidly and effectively required that the MACV planners grapple with the functions, organization,

manning, location, and office space for the central delegation, plus facilities for the regional delegations. Also needed was a means of identification for all members of the commission. There was no contact or discussion at this point between the warring parties to elicit ideas from the Viet Cong and North Vietnamese, and very few were forthcoming from the South Vietnamese military leadership. MACV thus was forced to develop operational and organizational concepts for all delegations within the geographical framework and manpower restrictions of the draft Paris agreements.

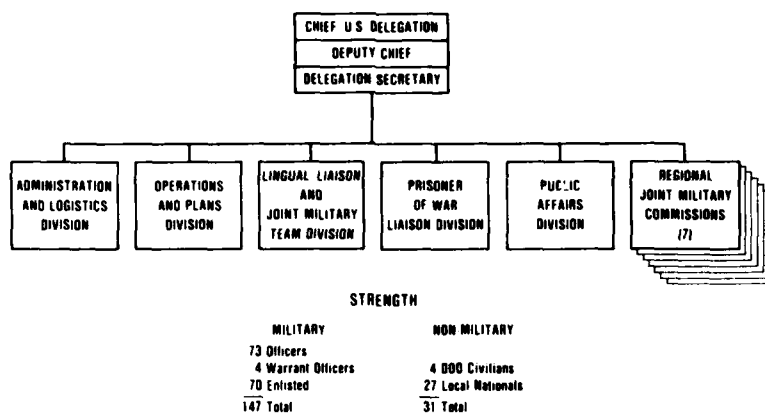
In late November 1972, draft organizational and manning tables were prepared in the form of Joint Tables of Distribution.<sup>1</sup> Some individuals were selected by name, but not all were interviewed and few were informed of the nature of the organization and mission for which they were chosen. This approach reflected the initial MACV guidance and planning for the US Delegation to be a self-contained, self-supporting organization. The planners were uncertain how long they would be able to rely on the use of MACV assets. Once the agreement was signed and ordered into effect, few significant staff or logistical support resources would remain.

The draft organization passed through several stages. Influenced by refinements in MACV planning and guidance, changes negotiated in Paris, and shifting political and military situations in South Vietnam, the final organization differed radically from the initial proposal. Most significantly, the concept of joint manning of certain cells by members of all four parties was deleted completely. This ultimately seemed a wise move. The commission effort was sharply circumscribed by the unwillingness of the Vietnamese—all parties—to cooperate fully at the central delegation level and even partially at most regional levels. The separately organized and theoretically autonomous delegations acted as a four-party body only on those few matters where the major interests of all happened to coincide. Although joint manning might have made it more difficult for the Vietnamese delegates, particularly the Communists, to adopt intransigent positions and attitudes, the American experience in Korea indicated the opposite. Combined manning was likely to preclude attainment of any of the commission's goals by rendering all its elements ineffective. Indeed, the history of the commission itself bore out that the most serious four-party efforts, such as cease-fire violation investigations, proved frustrating and fruitless.

The organization ultimately used by the US Delegation, as shown in figure 1, generally followed normal American military staff organization concepts. In addition to the standard administrative, logistical, operations and plans, and public affairs agencies, the central US Delegation was organized to handle the special needs for interpreter-translators, liaison, and, particularly, prisoner-of-war matters.

FIGURE 1

**U.S. DELEGATION, CENTRAL FOUR-PARTY JOINT MILITARY COMMISSION**  
(AS OF MID-MARCH 1973)



Source: Four-Party Joint Military Commission Staff Briefing, WNRC 319-74-051, Box 32, Folder 3.

The heart and soul of the delegation was the Operations and Plans Division. Position papers were drafted here, primarily by Major Miles and Major Budge. Briefing and conference books for the Chief and Deputy Chief of the delegation were assembled. In addition, Miles and Budge summarized the proceedings of the meetings and drafted the daily reporting cables to Washington and the Commander in Chief, Pacific. The key role played by Major Miles, who continued in an instrumental position following his service in the original two-man planning cell in October, is difficult to overstate. He attended the meetings of the Chiefs of Delegation with General Woodward and was the staff officer primarily responsible for preparing the American position for each meeting. Of special value was his knowledge of the informal understandings that had been reached in Paris on interpretations of the basic agreement—expertise obtained during several trips to Paris in January 1973. Major Budge, an Infantry officer, Rhodes scholar, and former member of the social sciences faculty at West Point, normally assisted General Wickham at the meetings of the deputy chiefs.

This final organizational structure resulted from the decision to support the delegation with existing MACV resources and the newly organized Office of the Defense Attaché. This planning change had been made as early as 30 November with the choice to rely initially upon MACV Special Troops, a support unit, for the logistical and communications assistance that would be needed. Nonetheless, because of the distinct possibility that

the delegation might last beyond 60 days or be situated outside Saigon, a contingency plan for a delegation support element was prepared.

By the end of November 1972, planning for the daily operation of the delegation had proceeded to the point that it was possible to draw up a formal statement of the functions that had been assigned by the draft Paris agreement, by General Weyand, and by Washington. The proposed Four-Party Joint Military Commission had three basic functions: to serve as a channel of communications for the four parties, to assist the parties in implementing the basic agreement, and to assist in verifying compliance with the basic agreement.

To accomplish these functions, each of the delegations had to perform specific tasks. Communication channels for information on the return of captured military personnel and foreign civilians were to be established. The dismantling of US and allied bases and the withdrawal of US and allied forces were to be verified. The commission was to receive an accounting of weapons turn-in and storage from disarmed military forces and to verify that weapons were safely stored. Effective liaison and coordination with the International Commission of Control and Supervision (ICCS) and the proposed Two-Party Joint Military Commission was to be assisted and maintained. Working procedures appropriate for the functions and responsibilities of the commission, including daily meetings, were to be adopted. Joint field teams were to be established and directed. Joint action by the four parties in implementing enforcement of the cease-fire and cessation of all offensive acts against each other somehow had to be obtained.

Even as organizational plans matured, substantive planning continued. During December 1972 and early January 1973, Woodward directed his planners to prepare papers, with supporting material, for the first meetings of the commission. Among the papers needed was an opening statement by the American Chief of Delegation, chairman and host for the first meeting. The statement was to include an overview of the functions of the commission and a proposal for agreement by the parties on organization and operating methods. This meant drafting an agreement on procedural and support matters for daily meetings, communications between delegations, liaison and coordination with the ICCS and the Two-Party Joint Military Commission, and the organization and direction of joint field teams.

Other statements for the US Chief of Delegation were also to be prepared. One concerned receipt from each of the four parties of reports on the location, strength, and designation of each military unit, in addition to proposed actions to be taken by the commission on this information. (This concept was overtaken by events; the final agreements in Paris did not require such submissions to the commission.) A parallel statement was to



reveal the US and South Vietnamese order of battle and present a proposal to inspect such units, unilaterally if necessary. Other statements to be drafted covered the remaining tasks of the commission as they were understood at this time.<sup>2</sup>

Another significant requirement placed on the planners was to develop plans for plausible actions by the US Delegation in case certain events occurred. Among these were alleged and actual violations of the cease-fire, procedures for inspections and observations in the field, and procedures for handling disagreements within the commission.

By late December, Major Miles had produced a refined proposal for a four-party military commanders' agreement. The proposal was retained for use within MACV as a position paper for the deliberations of the commission, and its analysis was used by General Woodward when he and Miles were suddenly called to Paris in early January 1973. Woodward saw the trip as an opportunity to correct some of the shortcomings in the draft agreement and protocols that had troubled General Weyand and Ambassador Bunker. He did not know that, instead, a shift in the MACV planning focus would result.

The technical experts had resumed their meetings in Paris on 2 January following cessation of the bombing of North Vietnam. The result was a new draft protocol for establishing the cease-fire and joint military commissions. By 10 January, when Woodward and Miles reached Paris on their special mission, they learned that the American delegation in Paris had agreed to incorporate both the four-party and the two-party commissions into one protocol. A copy of the draft was handed them by Ambassador William Sullivan on their arrival.

As the two MACV officers learned more about the state of negotiations, they soon realized that they would have little influence over the substance of the drafts; the Kissinger-Tho talks had already resumed several days earlier, thus ruling out any possibility of substantive change. By 13 January, the new draft agreement was completed with its accompanying understandings and protocols. Woodward and Miles recognized from their conversations with Kissinger that MACV would not receive a final agreement and protocols whose basic provisions could be completely implemented within the 60-day period American influence in Vietnam would remain effective, albeit on a continuously and rapidly diminishing basis as the troop withdrawal proceeded.

Woodward and Miles left several days later for Saigon, carrying their new insights and the new draft treaty with them. Now that he was aware of the general nature of the final agreement and protocols, Woodward decided against trying to negotiate detailed written working procedures

within the commission itself—too much had to be done in too short a time to permit haggling over such details. Henceforth, the principal tasks that he, Weyand, and Bunker faced would be implementation and dealing with the South Vietnamese. When Woodward returned to MACV, however, he revealed this fatalistic outlook to no one on his staff except Miles, although, after 1 month's experience with the commission, many Americans in Saigon shared his view.

As the moment for the formal signing of the treaty drew nearer, Miles was asked by the negotiating team in Paris to return to the French capital. When he arrived, he was swept up into a series of five meetings with North Vietnamese representatives. He was joined by Colonel Henry Lowder, the liaison officer from the US Joint Chiefs of Staff to the Paris negotiations. Two meetings were held before the signing of the agreement to clarify the administrative and logistical arrangements for the Four-Party Joint Military Commission that MACV and the American Embassy in Saigon were planning. Specifically, Miles addressed with the North Vietnamese the issue of points inside South Vietnam at which American helicopters could pick up Viet Cong delegates for transport to Saigon. He also arranged the flight path between Saigon and Hanoi for American airplanes to follow when carrying North Vietnamese delegates to the South Vietnamese city. These discussions soon expanded to include preliminary arrangements for the exchange of prisoners and coordination for mine-clearing operations, topics that continued to be addressed in the initial meeting of the four parties required by the agreement once it was signed.

This first formal meeting of the four parties to the Paris Conference was held at the Hotel Kleber on the afternoon of 27 January, the day the agreement was signed. In addition to discussing topics carried over from earlier sessions with the North Vietnamese, the delegates exchanged the lists of prisoners to be returned—an emotional climax to the long years of negotiations and anguish preceding this significant event.

At a follow-on meeting, which was also attended by Ambassador Sullivan, North Vietnamese negotiator Xuan Thuy, the permanent North Vietnamese negotiator in Paris, and their respective staffs, loose ends of previous sessions were cleared up. The major item on the agenda concerned the approximate scope and timing of mine-clearing operations, including the extent of North Vietnamese involvement. As it turned out, Hanoi desired no involvement at all; the operation was to be exclusively American. Tentative arrangements for continued South Vietnamese and Viet Cong talks were also discussed. During the conference, Miles and Lowder made the final technical arrangements for the first planes to go to Hanoi to pick up delegates; they similarly coordinated subsequent flights to receive the American prisoners held there.

A last meeting took place between the two American officers and North Vietnamese military representatives to discuss the problems faced by the Communist delegations on their arrival in Saigon after their first flight from Paris. The issue was resolved in South Vietnam, but the North Vietnamese used the Paris forum to register the first of many protests to the Americans about South Vietnamese conduct toward their delegations. When the meeting ended, Miles returned to Saigon.

Miles carried back to MACV the details of the coordination that had been effected with the North Vietnamese. More importantly, while in Paris he had garnered the latest information on the understandings reached between the United States and North Vietnam on how certain elements of the Paris treaty were actually to be interpreted and implemented, regardless of the terms stated literally therein.

The "understandings" accompanying completion of the treaty negotiations were reached at various levels and with different individuals. Kissinger and Tho had themselves negotiated the more important ones, such as that which linked release of American prisoners of war solely to the withdrawal of US combat forces. Others had been worked out between Kissinger and Xuan Thuy. Still others had been reached through the deliberations of American and North Vietnamese teams of technical experts under the direction of Ambassador Sullivan. Included in this wide variety of understandings were the transfer of bases and equipment to the South Vietnamese, the return of American prisoners held by the Pathet Lao, the use of US influence with Thieu to return civilian detainees, the retention of the Marines to guard the US Embassy in Saigon (along with the creation of a Defense Attaché's Office), as well as an agreement that the flying of national flags while engaged in commission activities would not be pressed as an issue.

In the hectic pace of the 2 weeks between 10 January and the initialing of the treaty on 27 January, some of these understandings were not communicated to the South Vietnamese nor to the Viet Cong. Some made their way formally into the implementing protocols. The minesweeping protocol, for example, was still being worked out in detail when Miles returned to Paris; it required still further coordination by Woodward's delegation staff and discussion at an early commission meeting in Saigon. Two other understandings that troubled Woodward in the first days following the signing of the treaty concerned equipment transfer and base dismantlement or transfer. On the face of it, transfer of bases and equipment to the South Vietnamese Armed Forces could be interpreted as violating the agreement and protocols, certainly in spirit if not in letter. Woodward and Miles determined to raise these issues at an early meeting in Saigon.<sup>3</sup>

Meanwhile, by early December the organizational planners had a clearer picture of how and with whom they were going to establish the delegation. Their planning had extended by this time to the regional elements, and the chiefs of these elements had been designated. In essence, the organization was based on the premise that the US Delegation to the central commission would be organized from within the personnel and materiel assets of MACV headquarters; the regional groups would be similarly organized from the available assets of the military region within which they were assigned.<sup>4</sup>

As the small planning group moved into the details of organization, support, and manning, it soon became clear that more people were needed. As a result, during the last 2 months of 1972 the original two-man group expanded several times to accommodate personnel whose technical expertise was needed. Throughout this expansion, the extremely sensitive nature of the enterprise was not compromised through disclosure, causing some difficulties for the individuals concerned. But the decision to place them directly under the control—and protection—of Chief of Staff Woodward prevented interference with their work as well as persistent questioning from curious staff members.<sup>5</sup>

During this time, the planners continued to experience difficulties with the South Vietnamese. It was difficult to get them to support the regional elements and the facilities requirements of the other delegations in the face of President Thieu's opposition to the state of the negotiations in Paris. The South Vietnamese Armed Forces were also understandably unwilling to part with any equipment. They contended they had no excess equipment to turn over to the commission, and operated on the assumption that the United States would provide whatever was required. As a result of a meeting, however, with the chief of the Vietnamese Central Logistics Command on 5 December, the South Vietnamese formally acknowledged their responsibility as host country to provide the equipment for the Four-Party and Two-Party Joint Military Commissions. Thereafter, planning proceeded more smoothly and realistically.<sup>6</sup>

In early December, the expanded planning group conducted a survey to identify appropriate office space and facilities for the delegation. Although several sites in the Saigon area were considered, some were rejected because they lacked adequate communications facilities and required extensive structural modification. An alternative, which became the adopted solution, was to occupy various office spaces within the MACV headquarters building. General Woodward stipulated that there be a minimum of disruption of MACV staff functions as a result of any move.

Planning for support proceeded concurrently with planning for office space. Logistical planning expanded to include support for the entire US

Delegation in the field as well as in Saigon. This concept included the contingency for continued support after other US troops and organizations were withdrawn in the event the delegation remained in existence beyond the 60 allotted days. Planning was based initially on the assumption that the four regional control groups would be satellites located at or near the existing military region headquarters, just as the central US Delegation was located at MACV headquarters. The plan was approved, and an estimated equipment requirement list was developed.

In January 1973, following the renewed negotiations in Paris, the planning group learned that the number of regional commissions had been increased from 4 to 7, and the number of joint control teams, from 20 to 26. They realized that adequate facilities did not exist for the three new sites at Hue, Phan Thiet, and My Tho. In addition, since the concept had changed from one of teams dispatched as necessary from regional headquarters and returning at night to one of teams based in 26 different areas, the problem was magnified in proportion. Unless the South Vietnamese designated facilities for these purposes and undertook a massive rehabilitation effort, the facilities would not be ready for occupancy within the time stipulated by the agreement.

At this point General Weyand directed the MACV staff and the commanders of the regional assistance commands to provide support to the Joint Military Commission and to the International Commission of Control and Supervision (ICCS). The MACV Director of Logistics formed a special task force. Named the JMC/ICCS Support Office, its function was to coordinate the support requirements for the two supervisory bodies. An existing contract with Pacific Architects and Engineers (PA&E) for facilities engineering services was expanded to include rehabilitation of the facilities designated by the South Vietnamese for housing the joint military teams. PA&E was assigned the task of bringing these facilities up to standards that provided adequate, if austere, accommodations and office space for the US, North Vietnamese, and Viet Cong team members.

Another existing contract with PA&E was expanded to include accountability for the equipment issued to the Four-Party Commission. Equipment from American and South Vietnamese assets designated for support of the commission was transferred to the civilian contractors and reissued by them to commission elements in the field. This procedure was necessary for two reasons: The South Vietnamese Armed Forces refused to deal directly with the North Vietnamese and Viet Cong, and the American units had to clear their property books before leaving Vietnam during the withdrawal.

These decisions solved the support problems of the US Delegation and, indeed, those of the North Vietnamese and Viet Cong. General Wood-

ward and General Weyand had hoped that the delegation would be as self-supporting as possible so that the withdrawal of Americans assigned to MACV would not impose a burden. But MACV was fully enmeshed in the support mission for most of the commission's existence. As it turned out, delegation operations and requirements did not interfere with the withdrawal of personnel or the final disestablishment of MACV, which ultimately proceeded in accordance with the schedule set in the Paris agreement and protocols.

The intensity of effort and quantity of staff resources devoted by MACV to planning for the US Delegation was evidence of General Weyand's concern that, whatever the final outcome, the American military establishment in South Vietnam do everything it could to insure the commission's success. More than that, the hard work reflected the widespread desire among MACV members to participate in what they hoped was the end of the war in an honorable and professional fashion. This led the Americans to do far more in the way of organization, administration, and support for the other delegations than was conceived, much less required, by the Paris agreement and protocols.

This same feeling was shared by the American Embassy and diplomatic personnel in South Vietnam. Their smooth, close relations with MACV headquarters made possible the successes that were achieved. General Woodward and General Wickham kept Ambassador Bunker and Deputy Ambassador Whitehouse up-to-date on the status of planning and later provided daily briefings on the results of delegation meetings and operations. During the course of these sessions, they sought approval for proposed actions and policies from the Ambassador. At no time did Embassy and delegation actions or policies diverge; unity of effort was the aim of all.

An example of this cooperation is the press policy established by General Woodward. From the beginning, the US Delegation released all information to the public affairs officer at the Embassy. This official then determined whether, when, and how releases were to be made. General Woodward assisted the Embassy in this task by insuring that as much information as possible, including the daily reporting cables, was unclassified.

Reporting channels for the US Delegation were established by the Joint Chiefs of Staff and the State Department. The resulting guidance was that all policy matters were cleared by the Ambassador, but that formal reports were rendered directly to General Weyand, Commander, MACV. To prevent any delay in informing other echelons of the chain of command, a significant list of information addressees was included in all reporting cables: Dr. Kissinger, Admiral Thomas Moorer (Chairman of the Joint

Chiefs of Staff), Admiral Noel Gayler (Commander in Chief, Pacific), Secretary Marshall Green (Assistant Secretary of State for East Asian and Pacific Affairs), Ambassador Bunker, Mr. Isham (US Delegation, Paris), and General John Vogt (Commander, US Support Activities Group, 7th Air Force, Thailand).

Within the command itself, General Weyand had purposely retained General Woodward as the MACV Chief of Staff. This special organizational arrangement produced significant advantages early in the operations of the Four-Party Commission. As Chief of Staff, General Woodward had direct access to General Weyand, control over the directors of MACV staff sections, and direct links to the commanders of the regional assistance commands. He was thus able to coordinate actions within the MACV staff and throughout the command for support of the Four-Party Commission. General Weyand aided in this task by charging the regional assistance commands with overall responsibility for logistical and facilities support within their areas and by appointing a general officer to coordinate support actions for the Four-Party Commission and the ICCS.

These arrangements allowed the US Delegation to avoid the organizational difficulties faced by their South Vietnamese counterparts. General Woodward in his dual position as MACV Chief of Staff and Chief of the US Delegation was provided with immediate support in reaching policy decisions and in insuring that they were carried out on time.

Despite assurances from the South Vietnamese high command in Saigon, South Vietnamese commanders in the field continued to balk at providing support for the North Vietnamese and Viet Cong elements in their areas, particularly the designation of adequate facilities and equipment for billets and office space, provision of sufficient transport to Saigon or to regional headquarters, and supply of adequate food. The question of sufficient rations was particularly important because the South Vietnamese, allegedly for security reasons, would not permit the North Vietnamese and Viet Cong delegations enough freedom of movement to negotiate their food purchases. As an interim solution, Pacific Architects and Engineers was authorized to provide this support.

An example of the difficulties faced by the US Delegation in preparing for the establishment and subsequent operations of the Four-Party Joint Military Commission was the identification card to be used by delegates and support members of the four parties. Just before the cease-fire declaration, the Administration and Logistics Division of the US Delegation was directed to prepare identification cards of American design for use by all four delegations. The plan was for the cards of each authorized bearer to be signed by the chief of his delegation. In addition, rubber stamps of

authentication were prepared for the chiefs of the US and South Vietnamese delegations.

At an early meeting of the Deputy Chiefs of Delegation, the other delegations found these cards unsatisfactory. A new design was approved, containing the signatures of all the Chiefs of Delegation on the front of the card and revised wording on the back. A single stamp for use in authenticating all cards was approved. Despite these last-minute changes, a new master card was produced, the signatures of the chiefs affixed, and the required number of stamped and signed cards distributed in good time to the regions for issue.<sup>7</sup>

The incident reflected a hidden political factor: The North Vietnamese and Viet Cong wanted the quadripartite character of the agreement and protocols expressed in as many administrative arrangements as possible to enhance Viet Cong legitimacy. Moreover, they viewed their participation and representation in these arrangements as increasing their authority and diminishing Saigon's. The identification card issue was characteristic of the challenges facing the MACV planners; throughout the life of the commission, seemingly trivial questions of format were repeatedly inflated into supposedly significant matters of sovereignty and national pride, seriously plaguing the resolution of the more substantive difficulties.

To alleviate this problem with the Saigon government, General Woodward and General Wickham regularly held discussions and exchanged views with South Vietnamese officials at the prime ministerial, ministerial, and delegation levels. Some of these were at the request of the South Vietnamese, others were at the request of the Americans. These meetings insured that the views of the American Delegation were known at the highest levels of the South Vietnamese Government and enabled General Woodward to exert considerable leverage in an informal and unobtrusive way on the South Vietnamese policy and decisionmakers. This behind-the-scenes influence was considered so important by Washington that it was the main reason for a late-March attempt to extend the Four-Party Joint Military Commission.

Both General Woodward and General Wickham met with South Vietnamese Prime Minister Khiem on several occasions. As did all meetings with senior South Vietnamese officials, these discussions elicited frank and candid exchanges of views and examination of respective positions. In mid-February, for example, General Wickham was asked to discuss with Prime Minister Khiem a proposed joint appeal for a more effective cease-fire. Present at the meeting were General Dang Van Quang, a trusted adviser to President Thieu, and General Du Quoc Dong, the South Vietnamese Chief of Delegation.



General Wickham used this opportunity to express displeasure with the way the South Vietnamese Government resisted fulfilling certain aspects of the Paris agreement and protocols. Not only should effective cease-fire orders be issued immediately to the South Vietnamese Armed Forces, but points of entry for the Viet Cong must be designated. Failure to do so could have an adverse effect on the flow of American supplies to South Vietnam and encourage renewed infiltration by the Communists.

Disregarding their sensitivities, Wickham bluntly told the assembled officials that the continuing South Vietnamese policy of local harassment and lack of logistical support for the Four-Party Commission and the ICCS was counterproductive and jeopardized implementation of the agreement and protocols. The South Vietnamese Government had full responsibility for providing facilities, accommodations, and other materiel support for the delegations at all levels.

In addition, Wickham said, the South Vietnamese must have increased power to make decisions and negotiate at the delegation chiefs' meetings. The present system of clearing almost all decisions at the highest levels of the South Vietnamese Government had to cease, or progress in accomplishing the mission of the Four-Party Commission would be excruciatingly slow.

General Wickham charged that unless there was some improvement in these matters, it could appear to other countries that both the United States and South Vietnam were insincere about implementing the Paris agreement and protocols. Such an international reaction could adversely affect fundamental interests of both countries, such as the release and return of prisoners and continued American military assistance to the South Vietnamese Armed Forces.

The Prime Minister was thoughtful when General Wickham finished. As the meeting ended, he promised action.<sup>8</sup> Some progress was soon evident on most of the issues discussed at the meeting, although continued American pressure was necessary. The effectiveness of the commission was hindered, however, by continued failure to grant significant flexibility to the South Vietnamese delegates to negotiate and make decisions.

About a month later, General Woodward and Ambassador Bunker also conferred with Prime Minister Khiem. The American chief urged that General Pham Quoc Thuan, the newly designated South Vietnamese Chief of Delegation to the follow-on Two-Party Commission, have either the authority to make decisions in meetings or immediate access to President Thieu. Khiem responded that General Thuan had the confidence of President Thieu. Thuan had been Chief of Staff of the 5th ARVN Division when Thieu had been the division commander; Thuan should have less difficulty

in gaining quick access to Thieu.<sup>9</sup> Whether or not the steady urging by the US Delegation for a more efficient arrangement had led to Thuan's selection is difficult to determine. What is apparent, however, is that Thieu had realized the need for a more timely response to issues before the Two-Party Commission than there had been with the Four-Party Commission. This timeliness, however, did not necessarily mean increased negotiating and decisionmaking authority for General Thuan.

The American Delegation also sought to influence the South Vietnamese through meetings with General Cao Hao Hon, chairman of the interministerial committee on the cease-fire. These meetings were not always successful immediately. When General Woodward tried to obtain greater Communist access to the press, for example, General Hon was unmoved.<sup>10</sup>

Eventually, the South Vietnamese permitted the Viet Cong to hold a press conference. That their restrictive policy had been unnecessary and that they had nothing to fear was apparent. Reporters were offered North Vietnamese cigarettes that would not stay lit, soda, and warm beer. General Tran Van Tra, the Viet Cong delegation chief, denounced the South Vietnamese for cease-fire violations, unreeling long and yawn-producing statistics. The American Embassy reported that the press conference "was essentially what experienced correspondents had thought it would be, that is, primarily propaganda even in response to the more searching questions." Nevertheless, by permitting press contacts with the Viet Cong and North Vietnamese, South Vietnam facilitated presentation of Communist spokesmen and leaders "as rather small folk in baggy clothing, visibly less than ten feet tall."<sup>11</sup>

During one intense period when the return of an increment of American prisoners was delayed, General Woodward met again with General Hon. The American chief pointed out that the United States had agreed with the North Vietnamese and Viet Cong on the release of at least one-fourth of the prisoners in each increment. However, the South Vietnamese had refused to release more than about one-tenth of their Viet Cong captives. There were other issues on which the American delegation had taken positions to which General Dong could not respond because he lacked the authority. If faster decisions could not be made by the South Vietnamese, divergent positions were likely to develop to the disadvantage of the South Vietnamese. Although General Hon indicated he understood the problem, he repeated that all matters had to be cleared with the Prime Minister or the President. As much advance notice of critical decisions as possible—at least 2 days, preferably a week—would be helpful.<sup>12</sup>

American efforts to see that better support and more timely decisions were available to the South Vietnamese delegation chief seemed to achieve some organizational results shortly. In early March, Hon told Woodward that a small staff had been set up to address problems concerning South Vietnamese participation in, and support of, the Four-Party Commission and to develop plans for the Two-Party Commission. From the American viewpoint, a staff responding directly to General Hon's guidance would not only ease coordination between the American and South Vietnamese delegations but also provide more effective responses at the conference table.<sup>13</sup>

The difficulty with such special organizational arrangements was that the Americans could never really determine the depth of sincerity or strength of will to make the cease-fire protocol work they represented. Some American observers had a lingering suspicion that a waiting game was being played out—that as soon as time had passed and the political situation in the United States and Southeast Asia warranted, all three Vietnamese parties would step up their combat operations to the previous level of full-scale warfare.

Nevertheless, despite the efforts of officials like Ambassador Bunker and Generals Hon, Weyand, and Woodward, the immediate basic problem remained unchanged: the flexibility and authority granted the South Vietnamese chief in the four-party meetings was not increased. President Thieu persisted in reserving to himself all decisions concerning the commissions and the implementation of the cease-fire. Thieu also tended to confine his discussions of such matters to a small group of trusted advisers. That group apparently did not include General Hon. As late as 27 March, 4 days before the North Vietnamese and American delegations were actually to return home, General Hon was unaware that President Thieu had recently agreed to a 20-day extension of the Four-Party Commission.<sup>14</sup>

In the continuing effort to achieve allied unity at the conference table, the American and South Vietnamese Chiefs of Delegation met for at least half an hour immediately before each central committee meeting to discuss joint positions—if such could be achieved—on issues that might be on the agenda or might crop up in discussion on a particular day. General Woodward soon realized that these meetings were not likely to achieve the desired unity until the South Vietnamese delegate had the flexibility to negotiate and the authority to make decisions at the conference table. Although Woodward continued meeting before the regularly scheduled conference, he adopted the practice of separate, longer chiefs' meetings, involving the deputies as well, as much in advance of critical conferences as possible in order to provide the maximum time for decisions on common

stands with the Americans to be reached within the South Vietnamese Government.

These meetings between the four senior members of the two delegations also provided another means of resolving urgent issues before the commission. Brigadier General Phan Hoa Hiep, the South Vietnamese deputy, had access to General Quang, one of Thieu's inner circle of advisers. He also had additional contacts of his own within Thieu's office. Woodward and Wickham tried through Hiep to bring American concerns about such matters as the lack of progress toward the formation of the Two-Party Commission to the attention of South Vietnamese decision-makers. In early February, at the urging of the Americans, Hiep promised to press for the creation of an effective planning organization for formal two-party discussions. Through Wickham's frequent contacts with Hiep, General Woodward was kept informed about the two-party discussions.<sup>15</sup>

These lengthier meetings between the allied chiefs and deputy chiefs also increased American understanding about the problems facing the South Vietnamese delegation. The Americans not only could provide useful advice on overcoming the problems, but could also raise these issues with Prime Minister Khiem and General Hon. Conversely, especially through the agency of General Hiep, these meetings served as another, more frequent, and regular channel of bringing American policies and thinking to the attention of the South Vietnamese Government.

In one candid exchange of views between the four senior delegates in late February, the full scope of commission operations and problems was discussed. For example, the South Vietnamese learned that the Americans conceived of the Four-Party Commission primarily as a mechanism to establish communication among the parties and with the ICCS, insure joint action in carrying out the provisions of the agreement and the protocols, and promote the effective operation of the Two-Party Commission. The Four-Party Commission had been reasonably successful at channelling communications, resolving prisoner-of-war returns, and providing the framework for initial two-party discussions. Issuance of a joint appeal to observe the cease-fire had been a major accomplishment, although the lack of full deployment of joint teams and the delaying tactics of the Communist delegations in several cease-fire investigations could not be considered successes. Therefore the Americans wanted the South Vietnamese to continue to support the Four-Party Commission and exploit it as a mechanism for implementing the agreement, especially in developing an effective two-party organization.<sup>16</sup>

The US Government, said the American delegates, insisted upon scrupulous adherence to the terms of the agreement and would do everything

the agreement required of it; the Americans expected the other parties to do the same, including the South Vietnamese, who were not exempted from compliance because they were allies. When the 2-month preliminary cease-fire period ended and the Four-Party Commission and American troops were withdrawn, the United States would continue to take action to insure a lasting peace. The American delegates cautioned South Vietnam not to view this period as a temporary rest before renewing combat operations. Because the United States was serious about a lasting cease-fire, the South Vietnamese must see that their armed forces observed the agreement and that the peacekeeping mechanisms, with their attendant mandated supervisory machinery, operated effectively. General Woodward bluntly told his counterparts that South Vietnamese performance in these matters had not been acceptable.

Woodward urged the South Vietnamese delegation to refocus its efforts in order to be more constructive during the remainder of the commission period. By making every effort to reduce obstacles and friction points, the South Vietnamese could avoid creating excuses for the Communist delegations to use for avoiding deployment and stalling other operations of the commission. Such obstacles included denial of Communist access to the press.

If the South Vietnamese reduced their polemics and accusations during commission meetings at all levels, especially in subcommissions and regions, the amount of useless debate should be reduced. All South Vietnamese members of the commission must realize that they were now peacemakers and not combat leaders trying to score debating points. For example, in the preceding weeks of commission meetings, South Vietnamese delegates had voiced generalized protests that were easily shunted aside by the Communist delegations, who had done their homework and could thus counter with specific facts and details. Consequently, more carefully prepared and supported South Vietnamese protests were needed if they were to be effective. Generals Woodward and Wickham offered American assistance while their declining assets lasted.

South Vietnamese performance in the subcommissions and regional elements had generally been poor, partly because of frequent changes in members and partly because of an absence of guidance and authority. The Government of South Vietnam should correct this as soon as possible.

More importantly, the South Vietnamese must take immediate steps to bring about an effective cease-fire throughout the land. The American senior delegates urged that the Thieu government establish moratoriums for stated periods on the use of artillery, mortars, and fighter aircraft, except when a defensive reaction was approved by corps or higher head-

quarters. If a responding reduction from the Communist forces was observed, then the moratorium could be extended.

General Dong responded to General Woodward's criticisms by explaining the difficult institutional arrangement within which he was required to operate. Unlike the Americans, he did not control the regional delegations. Guidance to the field required clearance from the Prime Minister. In addition, because the four South Vietnamese corps commanders controlled the degree of military support that province chiefs provided to the South Vietnamese regional elements, they also influenced the activities of these elements. The effect of these controls was that the South Vietnamese commission structure could not react quickly or authoritatively.<sup>17</sup>

Such discussions gave General Woodward a better understanding of the frustrations plaguing the South Vietnamese delegation. They also enabled the American senior delegate to seek solutions when he met with General Hon and the Prime Minister. In addition, the support of Ambassador Bunker was often decisive. Major changes in South Vietnamese positions were often brought about only by the Ambassador's personal intervention with President Thieu. On several occasions, such as an early impasse over the filling out of debarkation cards by the arriving Communist delegations, Bunker met with Thieu to resolve the issue and thus maintain at least the facade of allied unity.<sup>18</sup> The meetings that Generals Woodward and Wickham held with a number of important South Vietnamese officials were part of a continued and determined effort to achieve allied unity of effort within the Four-Party Joint Military Commission.

In retrospect, it seems clear that the MACV planners and staff had done a thorough and successful job in preparing for the organization of the American delegation. At no time was a reorganization necessary even though MACV assets for additional staff support rapidly declined through February and March. A key element in this success was General Woodward's retention of his formal position and powers as MACV Chief of Staff. This action institutionalized American military unity of effort for the difficult period ahead. Close ties with the Embassy were very important in maintaining overall American unity in Saigon to accomplish the primary missions of the delegation. These concerted, coordinated efforts brought about such allied unity as was achieved before the preliminary cease-fire period ended and the American delegation returned to the United States.<sup>19</sup>

## Chapter 2. Notes

1. Final Report, US Delegation, Four-Party Joint Military Commission (copy in the Center of Military History, Department of the Army, Washington, D.C.,

hereafter cited as Final Report), Annex A; "Initial Input to FPJMC After-Action Report," 21 February 1973, WNRC 319-74-051, Box 21, folder 31.

This initial organizational proposal included the delegation chief, a secretariat, an administrative division, an operations center division, a records and reports section, a public affairs section, a prisoner-of-war liaison section, a military police platoon, plus sections to handle supply, transportation, billeting, personnel affairs, aviation support, messing communications and special security, and comptroller matter.

This organization reflected the initial MACV guidance and planning for the US Delegation to be a self-contained, self-supporting organization. The planners were uncertain how long they would be able to rely on the use of MACV resources. A new division, Language and Liaison, was established in the first days of the delegation's operation. Headed by Marine Col. George T. Balzer, a member of the original two-man MACV planning group, this division had originally been the ICCS liaison branch of the Operations and Plans Division. General Woodward's personal interpreter, Maj. Jean Sauvageot, another key member of the delegation, had his office within this division. In addition to Vietnamese interpreters, Polish, Hungarian, and Indonesian interpreters were also added as a result of the final composition of the ICCS.

The Prisoner-of-War Division remained relatively unchanged and was headed by Col. B. H. Russell, former MACV Provost Marshal and Deputy Director of Personnel. All prisoner-of-war matters, both American and Vietnamese, were handled by this team.

The administrative and supply cells of the early structure were combined under an administrative-logistical division headed by Col. John C. Evans. Within this division were placed the personnel, transportation, and comptroller sections. The conference site branch and the field logistics coordinator branch were later additions.

The Public Affairs Division was elevated from the status of a section and placed under the charge of Lt. Col. D. J. Peterson, USAF, who had formerly been in the MACV Office of Information.

The final organizational concept was as follows: The Office of the Chief of Delegation remained, although in a modified form. The Office of the MACV Chief of Staff—General Woodward and his personal staff—was transferred intact to the US Delegation. The MACV Secretary to the Joint Staff, Col. Edward C. O'Connor, became the Secretary to the US Delegation, in which capacity he acted as delegation Chief of Staff. A small staff actions branch was established under a deputy secretary, Lt. Col. James R. Henslick. When this small cell became overloaded, additional resources were made available through the MACV staff actions branch. A subsequent addition to the Deputy Secretary's Office was a delegation historian's section to collect records and prepare after-action reports.

The original Operations Center Division ultimately coalesced as the Operations and Plans Division, headed by Col. Ralph H. Detherow. Within this division were a plans branch, an operations branch, a joint military teams branch, and a liaison section to the MACV Communications and Electronics Directorate. The idea of a

separate communications section was dropped; throughout the period of its life, the US Delegation received its communications support from the facilities used by MACV and the newly organized Defense Attaché's Office.

2. Final Report, Annex A; Memorandum, 15 December 1972, Subject: Contingency Support Requirements, with attachments, WNRC 319-74-051, Box 20, folder 33; Joint Table of Distribution, WNRC 319-74-051, Box 20, folder 5.
3. Kissinger, *White House Years*, pp. 1462-67; Miles interviews (Miles Interviews 1 and 2 of 27 February and 16 March 1973 respectively have been supplemented by Colonel Miles's comments in November and December of 1980 and the early months of 1981 on draft manuscripts of this study, notes of which are in the author's possession); Tad Szulc, "How Kissinger Did It: Behind the Vietnam Cease-Fire Agreement," *Foreign Policy* 15 (Summer 1974): 51-66, contains insights into the understandings and the hectic pace of events surrounding the negotiations on the agreement, the implementing protocols, and the attendant "understandings."
4. Final Report, Annex A.
5. Interview, Col. George T. Balzer and Maj. Walter S. Dillard, 18 February 1973, WNRC 319-74-051, Box 22, folder 20; Woodward interview.
6. Woodward interview; "Initial Input to FPJMC After-Action Report," (n.d.) WNRC 319-74-051, Box 21, folder 31; Final Report, Annex A.
7. "Initial Input to FPJMC After-Action Report," 21 February 1973, WNRC 319-74-051, Box 31, folder 31; notes from discussion with Brig. Gen. John A. Wickham, Jr., 8 May 1973, Washington, D.C. (in author's possession); Final Report, Annex H.
8. Message, CH USDEL FPJMC to COMUSMACV, 152022Z Feb 73, Subject: Summary of Meeting with GVN Prime Minister Concerning FPJMC Affairs, 15 February 1973, WNRC 319-74-051, Box 29, folder 7.
9. Message, CH USDEL FPJMC to COMUSMACV, 211300Z Mar 73, Subject: Central FPJMC Meeting, 21 March 1973, WNRC 319-74-051, Box 18, folder 19.
10. Message, CH USDEL FPJMC to COMUSMACV, 021000Z Mar 73, Subject: Central FPJMC Meeting, 2 March 1973, WNRC 319-74-051, Box 18, folder 19.
11. Message, AMEMBASSY, Saigon 4392, to SECSTATE, 180450Z Feb 73, Subject: PRG Press Conference, cited in Final Report, Annex H.
12. Message, CH USDEL FPJMC to COMUSMACV, 031127Z Mar 73, Subject: Central FPJMC Meeting, 3 March 1973, WNRC 319-74-051, Box 18, folder 19. Another delay, in late February 1973, occurred over the use of liaison flights from Saigon to Hanoi. See chapter 4.
13. Message, CH USDEL FPJMC to COMUSMACV, 072030Z Mar 73, Subject: Central FPJMC Meeting, 7 March 1973, WNRC 319-74-051, Box 18, folder 19.



14. Message, CH USDEL FPJMC to COMUSMACV, 151416Z Mar 73, Subject: Summary of US DEL, FPJMC Meeting, 15 March 1973, and Message, CH USDEL FPJMC to COMUSMACV, 271530Z March 73, Subject: Summary of US DEL, FPJMC Meeting, 27 March 1973, both in WNRC 319-74-051, Box 29, folder 6.

15. Final Report, Annex H.

16. Final Report, Annex H.

17. Message, CH USDEL FPJMC to COMUSMACV, 221515Z Mar 73, Subject: Summary of US DEL, FPJMC Meeting, 22 February 1973, WNRC 319-74-051, Box 29, folder 6. There is some evidence that American criticism of South Vietnamese generalized polemics may have been unfair initially; however, such criticism was needed by the time of this conference. Colonel Jean Sauvageot, then a major and General Woodward's personal interpreter, remembered (in commenting on a draft of this book in Washington in January 1982) that when the South Vietnamese "launched a tirade of generalized charges, the US delegation, without research, supported the RVN remarks with a generalized polemic of its own. The last sentence of General Wickham's was: '*You have blood on your hands*' to the PRG/DRV delegations. This resulted in the PRG delegation expressing surprise that both the RVN and US delegations leveled a host of charges *before* the machinery to investigate the charges was set up, after which both the PRG and DRV delegations leveled a host of specific charges." [Emphasis in Sauvageot's original written comments, hereinafter referred to as Sauvageot commentary.]

18. See Chapter 3, *infra*, for a full discussion of the debarkation card incident.

19. Notes from discussion with General Wickham, 8 May 1973.

### 3

## THE OPENING ROUNDS

*The Parties participating in the Paris Conference on Vietnam shall immediately designate representatives to form a Four-Party Joint Military Commission. . . .*

### Article 16 of the Paris Agreement

The Paris Agreement on Ending the War and Restoring Peace in Vietnam, with its attendant protocols, was signed on 27 January 1973. On the same date, Saigon time, the US Delegation, Four-Party Joint Military Commission, was activated. The beginning phase of the commission was not auspicious. From the start, conflicts surfaced that obstructed the efforts of the US Delegation to establish an effective cease-fire and secure the agreed-upon release of American prisoners of war. Among the major factors complicating American efforts were the increasingly harsh demands and tough ideological positions taken by the Viet Cong and North Vietnamese and the hostility between the South Vietnamese and Viet Cong delegations.

Many of these difficulties were inherent in the nature of the Paris agreement and protocols. Despite General Weyand's concern and best efforts, he was unable to prevent Washington and Paris from leaving significant issues to be negotiated among the military members of the four parties in Saigon. As Weyand, Woodward, and their planners analyzed the final results of the Paris negotiations, certain key provisions stood out, although not all of them required action by the Joint Military Commission. (See Appendixes A through E for the texts of the Paris agreement and protocols from which the following points were drawn.)

First, an in-place cease-fire was to become effective at 2400 hours Greenwich mean time on 27 January, or 0800 hours 28 January in Saigon. All forces were to cease all military activity in South Vietnam, and the United States was to halt all military activities throughout North and South Vietnam.

Second, the Four-Party Joint Military Commission was charged with beginning operations within 24 hours after the effective time of the cease-fire. This could be accomplished by the meetings of the central delegations in Saigon. Regional delegations were to be operational within 48 hours of the cease-fire, and the local joint military teams operational 15 days after the cease-fire began.

Third, the withdrawal of American and other Free World Military Assistance Forces (FWMAF) and equipment and the dismantlement of their bases were to be completed within 60 days. Periodic replacement of South Vietnamese armaments, munitions, and war materiel could be made on a piece-by-piece basis, however.

Fourth, the return of captured military personnel, both Vietnamese and American, and foreign civilians was to be carried out simultaneously with the troop withdrawals. The return was based on the prisoner lists exchanged in Paris prior to the cease-fire. The four parties were also to cooperate in determining the status of those missing in action. The two South Vietnamese parties were to resolve the issue of the return of civilian detainees.

Fifth, the United States was to remove, deactivate, or destroy all mines in the territorial waters, ports, harbors, and waterways of North Vietnam.

Sixth, the Four-Party Joint Military Commission was charged with accomplishing specific joint tasks in implementing the agreement and protocols. These included implementing a cease-fire; investigating violations of the agreement (and preventing recurrences); freezing in place all US and other Free World Military Assistance Forces pending the implementation of troop withdrawals; halting all offensive actions; and supervising the withdrawal of US and FWMAF forces, dismantling of their bases, return of captured military personnel and foreign civilians, and resolution of the status of those missing in action. The Four-Party Commission was to operate on the principle of consultation and unanimity and was to begin discussions immediately after the cease-fire. Unresolved disagreements would be referred to the International Commission of Control and Supervision (ICCS). The commission was to deploy fully and quickly to designated regional and team sites and end its operations in 60 days, after the

withdrawal of US and FWMAF forces and the return of captured military personnel and foreign civilians.

Seventh, the Two-Party Joint Military Commission was to insure joint action by the two South Vietnamese parties in implementing two-party provisions such as determining areas of control, returning Vietnamese civilians, mutually reducing their military force levels, and replacing armaments, munitions, and war materiel on a piece-by-piece basis. Disagreements were to be referred to the ICCS.

Eighth, an International Commission of Control and Supervision was established with a broad charter. Its function was to control and supervise the execution of almost all aspects of the agreement and protocols. Composed of representatives from Canada, Hungary, Poland, and Indonesia, the ICCS, like the joint military commissions, was to operate on the principle of unanimity and consultation. In cases where there was no unanimity, the ICCS was to report the individual views of its members. The activities of the ICCS were to end at the request of the government formed in South Vietnam after the general elections provided by the agreement and protocols.

Finally, the agreement provided for general elections under international supervision. The elections were to be organized by a National Council of National Reconciliation and Concord, which was to operate on the principle of unanimity. The ICCS was to supervise the elections.

Under the terms of the Paris agreement and protocols, the Four-Party Joint Military Commission had the general mission of insuring joint action by the parties to the agreement. The commission was to serve as a channel of communication among the parties; draw up plans and fix the modalities to carry out, coordinate, follow, and inspect the implementation of the provisions of Article 16; and negotiate and settle all matters concerning the implementation of those provisions.<sup>1</sup>

The atmosphere in Saigon on the first day of the cease-fire is difficult to describe. As the cease-fire began, Tan Son Nhut Air Base came under heavy enemy rocket attack. Between the signing of the agreement and protocols and the effective date of the cease-fire, a major Viet Cong attack had been launched against the province capital of Tay Ninh; the fighting raged through the first day of the cease-fire as the unsuccessful assault was thrown back. Major Tyrus W. Cobb was the American officer escorting the early arriving Viet Cong and North Vietnamese delegates from Bangkok to Tan Son Nhut aboard a South Vietnamese military aircraft that had left Tan Son Nhut that morning during the rocket attack. He reported that the delegates "were especially interested when we passed over Tay Ninh,

probably expecting that the Cao Dai center was now in the hands of the PRG. They did not know that the last minute offensive had failed." Sir Robert Thompson, former head of the British Advisory Mission to Vietnam and long-time observer of the Vietnam war, reported that Viet Cong delegates "flying by Air France from Paris asked to be diverted over Tay Ninh on their way to Saigon so that they could admire the PRG flag flying over their new capital. But they were disappointed to find the town firmly in Government hands and South Vietnamese flags waving strongly in the wind." American officers passing by the civil air terminal at Tan Son Nhut were bemused at the sight of unfamiliarly shaped Ilyushin turboprop aircraft with Russian markings—Aeroflot—sitting on the ramp. Throughout the land, the North Vietnamese and Viet Cong were engaged in land-grabbing operations, provoking strong South Vietnamese responses and counterattacks, such as at the seacoast town and small harbor of Sa Huynh.<sup>2</sup>

The first members of the North Vietnamese and Viet Cong delegations, escorted by Major Cobb, arrived at Tan Son Nhut on Sunday afternoon, 28 January. On landing, they were presented with debarkation cards by South Vietnamese officials and asked to fill out portions of them (name, rank, and signature). This the delegations refused to do, and began a "sit-in" on the aircraft, which lasted through the night.<sup>3</sup>

Their spokesman, North Vietnamese Colonel Luu Van Loi, accused the United States of violating the Paris agreement. He alleged that the Viet Cong had been given assurances by Ambassador Sullivan through Colonel Henry Lowder, the military adviser to the US Delegation in Paris, that they would not have to comply with South Vietnamese processing procedures when they arrived in Saigon. General Wickham met with the North Vietnamese and South Vietnamese delegates to seek a solution to the problem. Telegraphic inquiries were dispatched to the State Department and to the Paris delegation to check the truth of Colonel Loi's allegations.<sup>4</sup>

While these messages were being passed between three continents, in an early attempt to divide the American and South Vietnamese delegations, the Communist group aboard the aircraft sent a message to the US Delegation. The delegates claimed they were prepared to attend the scheduled meeting that morning but absolved themselves of responsibility for their predicament. Their suggestion was to hold the meeting aboard the aircraft. This message was filed with no official American notice taken of it.<sup>5</sup>

American efforts at mediation continued at the US Delegation and Ambassadorial levels. Negotiations went on through the night. When a

move toward a compromise was made by one side, the other side would reject it. The South Vietnamese would not allow the Communist delegates to leave the plane temporarily for food or use of the latrine. Food was finally provided by MACV. Tempers flared on occasion, but cooler minds prevented an overt incident. During the night, the delegates dictated a statement containing familiar denunciations of the United States. On the other hand, they assured Major Cobb, who was still aboard the aircraft, that they appreciated all he had done for them, and they asked him not to take their attacks personally.<sup>6</sup>

The issue was finally resolved in the morning. After an urgent discussion between the South Vietnamese Prime Minister and President Thieu, following a call on the former by Ambassador Bunker, American Embassy officials at the airport were informed that the South Vietnamese Government had decided to let the Communist delegates leave the airplane without complying with the documentation procedures. Thieu's officials were willing to concede that the Viet Cong had been misinformed about landing cards, providing the United States inform all delegates arriving later that they would have to complete debarkation cards. With this development, the delegation left the aircraft shortly after noon.<sup>7</sup> Although there were similar problems with later flights, the delegation members aboard them filled out the landing documents with little objection once the compromise had been explained.

The debarkation card incident was similar in pretext and aim to the debate over the commission identification card. Once again, what appeared to be an innocuous routine procedure, commonly required of travelers in many countries, became elevated to a principle on which national sovereignty and pride turned. The immediate result was to obstruct the work of the commission and confound the effort of the Americans to implement the Paris agreement and protocols in the short time available. Unfortunately, such pretexts were easy to find; all four parties, to varying degrees, violated either the letter or the spirit of the agreement and protocols (and the unwritten "understandings" between Kissinger and Tho).

Once the debarkation question was resolved, attention shifted to the meetings of the Deputy Chiefs of Delegation. The four parties were represented by Brigadier General John A. Wickham, Jr., for the United States, Brigadier General Phan Hoa Hiep for South Vietnam, Colonel Luu Van Loi for the North Vietnamese, and Colonel Dang Van Thu for the Viet Cong. These meetings were held to work out procedural matters; meetings of the delegation chiefs would not be held until the senior Viet Cong delegates arrived in Saigon.

The deputy chiefs held their first meeting on 29 January. In the afternoon session, the issue of identification and credentials was raised. Although Viet Cong Colonel Thu showed a diplomatic identification card, North Vietnam's Colonel Loi refused to identify himself in any way. He argued that he was known to the other delegates in Paris and had been accompanied to Saigon by an American military officer from the US Delegation in Paris. So was spent the entire 20 minutes of this initial meeting.

Colonel Loi was an interesting person. The brains behind the North Vietnamese delegation, he had been with Le Duc Tho during the secret Paris talks, had dealt with the French in implementing the 1954 agreements, and had served on the 1954 military commission that established the demilitarized zone. He was an opponent to be reckoned with, no matter what the issue under debate.

Another session was held that evening and lasted 3½ hours. General Wickham, who was the host, began the meeting by deferring the question of identification until all Chiefs of Delegation were present in Saigon. The American deputy then addressed the issue of North Vietnamese and Viet Cong cease-fire violations. He cited the incomplete lists of prisoners of war given to the United States in Paris, which did not include American prisoners in Laos. He requested that corrections to the lists be provided and that the names of prisoners held in Laos be furnished as soon as possible. Finally, General Wickham asked if the Viet Cong senior representative would be present for a meeting of delegation chiefs the following day. General Hiep of South Vietnam echoed the American protests over the cease-fire violations.

The Viet Cong representative refused to discuss the availability of his chief. He joined the North Vietnamese representative in a long, polemical protest against filling out South Vietnamese debarkation forms. General Wickham pressed for information on when and where the Viet Cong delegation chief could be picked up for transportation to Saigon, but the Viet Cong member refused to answer before resolving the debarkation issue. The Viet Cong finally provided tentative airlift information, which they said would have to be brought up to date at the next meeting.

Two other points raised by the North Vietnamese and Viet Cong deputies were the question of areas controlled by the parties and the importance of freedom of movement. They proposed that the commission use identification cards, authenticated by the four delegation chiefs, that would entitle the bearer to travel throughout North and South Vietnam. This was approved on 2 February by the Chiefs of Delegation.\*

Several issues surfaced at this first meeting that, together with the question of the adequacy of North Vietnamese and Viet Cong facilities in regional locations in South Vietnam, were to hinder the effective operation of the commission. These included freedom of movement and the related question of immunities and privileges, as well as prisoner repatriation and cease-fire implementation.

These questions grew in importance in subsequent meetings of the deputy chiefs. Of crucial importance to the United States was the question of American prisoners of war. In the morning session of 30 January, General Wickham proposed the prompt formation of the Prisoner-of-War Subcommission. He pressed the point in the afternoon session. The Viet Cong representative agreed with the American proposal and proposed in turn a parallel two-party subcommission to deal with captured civilians of the South Vietnamese parties.<sup>9</sup>

At the morning session of the deputy chiefs' meeting on 1 February, the Viet Cong representative opened by proposing that the Four-Party Commission establish a subcommission on prisoners of war to begin operation 4 February. Although the United States had originally proposed 1 February, General Wickham suggested that the work of the subcommission begin on 3 February. Everyone agreed. General Wickham also asked the North Vietnamese to reply promptly to the American requests for information, including the dates, numbers to be released, places of detention, and places of release in North Vietnam, South Vietnam, and Laos. He also called for nominations for national Red Cross society representatives to visit prisoner-of-war camps. Another request was for arrangements to secure information on personnel not included on the published lists, including death certificates to help account for the missing and provide for the return of the remains.

The week-long deputies' meetings resulted in several agreements that helped prepare for the initial meeting of the Chiefs of Delegation and for operation of the Four-Party Commission. These agreements included adoption of international orange as the color for four-party aircraft markings, vehicle flags, and brassards; procedures for meetings (rotation of host and order of discussion—United States, Viet Cong, North Vietnam, South Vietnam); formation of the Prisoner-of-War Subcommission; initial procedures for pickup of Viet Cong delegates; and adoption of a common identification card.<sup>10</sup>

The first meetings of the Chiefs of Delegation were held on 2 February. The United States was represented by Major General Gilbert H. Woodward, also the host for this inaugural session. Lieutenant General Tran Van Tra represented the Viet Cong, Major General Le Quang Hoa



represented the North Vietnamese, and Lieutenant General Ngo Dzu represented the South Vietnamese.

When he came to this all-important first meeting of the Chiefs of Delegation, General Woodward set the relaxed and informal but business-like tone he felt was necessary. He knew that the 2 months allotted to the commission would be insufficient if the acrimony and hostility typical of his earlier experience with the North Koreans at Panmunjom were permitted to prevail.

As he looked across the table that day, Woodward knew that he was facing some of the toughest negotiators and most committed Communists the North Vietnamese and Viet Cong had to offer. He never doubted that their ability was first-rate, and he recognized that his task would not be easy. The Viet Cong's General Tra, for example, had rarely been seen in public, although he was known to American intelligence services. After World War II, he had been active at high levels in the Viet Minh. Following the 1954 Geneva accords, Tra had regrouped to North Vietnam for several years before returning to his native South Vietnam—54 years earlier he had been born in Quang Ngai Province. He was credited with having planned both the 1968 Tet offensive and the 1972 drive against Saigon that stalled at An Loc. Tra had at one time commanded all Viet Cong forces in the South, but his activities were later restricted to command of the Viet Cong 4th Military Zone, comprising Saigon and the nearby provinces. On the other hand, his real value to the Communist side was his political ability and thorough grounding in Marxist-Leninist rhetoric. Woodward thought Tra to be the most capable of the three Vietnamese delegation chiefs.

Hoa was almost exclusively a soldier, except for a time as chief of the Viet Cong Political Warfare Agency. He had commanded extensively in the field outside of North Vietnam. Although he might consult with his deputy, Loi, on many political questions, Hoa was not a figurehead behind whom Loi ran North Vietnamese delegation matters. Hoa tended to be like Woodward in addressing directly the question before the chiefs rather than engaging in flights of rhetoric, as Tra often did.

In opening the meeting, General Woodward calmly expressed the concern of the United States that 5 days had been consumed by procedural matters. He stressed the substantive problems to be solved, including the release of American prisoners of war and the need for issuing appropriate instructions to insure the stability of the cease-fire. He went on to present the general American plan for withdrawal in 15-day increments. He noted that the withdrawal of South Korean forces depended upon the cessation of hostilities along their lines of communication to the point of embar-

kation. He also stated that the United States required a North Vietnamese response to the proposed liaison meetings on mine-clearing operations.<sup>11</sup>

From his past experience in negotiating with Communists, General Woodward knew that delay was one of their favorite tactics, and he wanted to insure that meetings proceeded with dispatch. He had no way of knowing at the first meeting the exact issues the Viet Cong and North Vietnamese would use to make the next 2 months difficult in their attempts to extract concessions not envisioned in the Paris agreement and protocols. Delay was but one device, as the next weeks revealed.<sup>12</sup>

To understand why the opening sessions, as well as many succeeding ones, were difficult and frustrating for the Americans, the operating premises of each delegation, as much as they can be discerned or deduced, must be understood. There were few common assumptions or goals shared by all four parties. The North Vietnamese and Viet Cong were closest together in their goals, the Americans and South Vietnamese less so. In addition, the Americans and South Vietnamese, on the one hand, and the North Vietnamese and Viet Cong, on the other, shared little common ground. The most clearly understood common assumption was that, in accordance with the Kissinger-Le Duc Tho understanding in Paris, American troop withdrawals—a key Communist goal—were linked only to the return of American prisoners of war. As events proved, even this common assumption was occasionally challenged when it was advantageous to one party or another to do so. Beyond that, however, the four agreed on few approaches except to sit in Saigon as a central commission.

The Americans in Saigon reduced the many and complex provisions of the Paris agreement and protocols—and of US policy as they understood it—to five goals to guide them during the 60 days. First, they were to insure the return of the American prisoners of war. Given the reduced level of US troop involvement in Vietnam by January 1973, the return of prisoners was the major emotional motivating force for the Americans. It was probably also the only issue over which the United States could justify a renewal of bombing raids or other measures involving military force, should the North Vietnamese clearly demonstrate their intent to violate the provisions and understandings reached in Paris concerning the prisoner return. The return of the American captives was also a goal on which almost all Americans, in Vietnam or at home, could agree.

The second goal of the delegation was to bring about the orderly and safe withdrawal of the remaining American troops. The corollary to this was the safe withdrawal of the other outside forces, the largest contingent of which was from the Republic of Korea. By January 1973, Americans in Vietnam had begun to concentrate in relatively secure areas to await

redeployment instructions and transportation to airfields for their return trip to the United States. Barring a successful major offensive by Communist forces, the Americans' safety seemed assured except for certain isolated incidents. Nevertheless, their withdrawal was linked to the return of American prisoners. The troop withdrawal was, in fact, the only immediate leverage that General Woodward could exert on the North Vietnamese and Viet Cong to bring about the proper return of the captives.

The third goal of the Americans was to reduce the level of fighting. Woodward and Weyand realized that the long, complex, and bitter struggle in South Vietnam would make an immediate "in-place" cease-fire difficult to achieve. Woodward, however, made attempts with all three Vietnamese delegations to reduce the level of conflict, with the view of ultimately bringing about an effective cease-fire so that the political electoral process could determine who was to hold power.

The fourth goal was to stabilize the civil war in Vietnam as much as possible by creating a forum in which the Viet Cong and South Vietnamese could talk with each other. The idea was that the two parties could determine what could be negotiated. In this way—if the forum succeeded—the more stable situation would strengthen the chances for South Vietnam to survive in the years ahead when a large American military presence was absent.

The fifth goal of the Americans was to provide the South Vietnamese with a reasonable chance of survival on their own, independent of North Vietnamese control, albeit in a somewhat more precarious situation without American forces to bolster them. This goal, closely related to the fourth, was shared not only by Americans assigned to Vietnam—whether at MACV, the US Delegation, or the American Embassy—but also by concerned members of the US Government in Washington.<sup>13</sup>

In pursuing this last goal, the United States violated the spirit of the provisions of the Paris agreement and protocols. Article 6 of the basic treaty required the dismantlement of all American military bases in South Vietnam within 60 days of the signing of the agreement. By no stretch of the imagination can the argument be sustained that these bases were dismantled. As negotiations had proceeded in the latter months of 1972, a subterfuge had been adopted in an attempt to give the appearance of compliance while actually avoiding doing so. In early November, Woodward and South Vietnamese Lieutenant General Nguyen Van Manh, Chief of Staff of the Joint General Staff, had signed a Memorandum of Understanding in which the United States agreed to transfer, and the South Vietnamese Armed Forces agreed to accept, "ownership of facilities presently occupied by US Military and Free World Military Assistance

Forces." Appropriate documents were subsequently signed formalizing the transfer but, until their actual physical withdrawal, American forces retained the same rights and privileges they had enjoyed before, as if ownership had been retained—occupancy, complete control, reentry, use of all facilities.

The argument can be made that the South Vietnamese would have inevitably regained full sovereignty over the land on which these bases stood. But such reasoning flies in the face of the uncompromising language of the Paris treaty. The intent of Article 6 of the basic agreement was to prevent future use of these bases by the South Vietnamese Armed Forces; dismantlement, as defined by the implementing Article 9 of the protocol on the cease-fire, specifically required destruction of the bases and their attendant military equipment "for the purpose of making them unusable for military purposes" if they could not be dismantled and removed from South Vietnam. In addition, the United States had to provide the Four-Party Joint Military Commission and the ICCS "with necessary information on plans for base dismantlement so that those Commissions can properly carry out their tasks in relation thereto." This requirement was fulfilled by a short written statement from Woodward in which he reported that the bases had been transferred by "appropriate agreement" to the South Vietnamese before the Paris treaty entered into force. "The United States and the other foreign countries allied with the United States and the Republic of Vietnam," this document concluded, "do not have any military bases in South Vietnam at this time."<sup>14</sup>

To be sure, Kissinger thought that this transfer of bases had been accepted by the North Vietnamese as one of the understandings reached in Paris. Evidence of an indirect nature supports this contention. After raising the subject during two meetings of the delegation chiefs in the first week in February, the Viet Cong dropped the issue; significantly, the North Vietnamese made little or no comment on the subject, except to ask to see the documentation verifying that bases had in fact been transferred.<sup>15</sup> Although this American action violated the spirit of the agreement, it was essentially a moot point. Technically, the United States would not be in violation of the treaty until the 60-day period had passed. By that time more urgent matters would be under discussion. In any case, American troops needed a place to live until moving out of Vietnam.

The goals, motives, operating assumptions, and actions of the Americans in Saigon—soldiers and diplomats alike—are more clearly understood in the context of what Kissinger thought he had achieved in the lengthy secret negotiations with Le Duc Tho in Paris. When he initialed the Paris agreement on 23 January 1973, Kissinger seemed to believe the agreement

could work. He assumed it accurately reflected the existing political and military situation in Vietnam. He also believed he had reached an "understanding" with Tho about the subsequent level of warfare in South Vietnam. He seems to have thought that the North Vietnamese would withdraw their "volunteers" and army units, leaving the South Vietnamese and Viet Cong to settle by themselves the central issue of who was to have power in South Vietnam. Kissinger hoped the settlement would be peaceful; he himself had sought a "lasting peace with honor" rather than a decent interval before the collapse of the Republic of Vietnam. Given his assumption about the understanding of the reduced formal military threat from North Vietnam, he logically concluded that the South Vietnamese could withstand renewed guerrilla warfare and similarly intense Viet Cong cease-fire violations. Although he hoped for a true cease-fire, he seemed to have had no illusions that it would be easy or even possible to bring about. His ultimate aim was to create conditions in which the Republic of Vietnam could win a political struggle. A corollary to these understandings was that military aid to Hanoi from the Soviet Union would be reduced following the end of American involvement in the war and the pursuit of detente with both the USSR and Red China. At the same time, normal relations between North Vietnam and the United States would ensue, further stabilizing Southeast Asia.

Kissinger recognized the validity of General Weyand's concern that problems not resolved in Paris could not be resolved through the deliberations of the Four-Party Joint Military Commission. He seems therefore to have planned on subsequent negotiations with the North Vietnamese to resolve issues caused by ambiguities in the Paris agreement and protocols. He made an early effort to accomplish this goal when he visited Hanoi in mid-February 1973. By this time it was already apparent that the level of combat had not abated to the extent he had expected. Little came of that meeting except a joint communique platitudinously calling for the "full and scrupulous implementation of the Paris Agreement on Vietnam," and an agreement to exchange views periodically on how to accomplish this. The International Conference on Vietnam in late February and early March and subsequent American and North Vietnamese negotiations completed in Paris during June 1973 were fruitless efforts to achieve by subsequent negotiations elsewhere what was impossible to bring about in South Vietnam.<sup>16</sup>

The South Vietnamese delegation was generally constrained to the "Four No's," the essentially negative and, from the American perspective, minimally cooperative, even uncooperative, policies laid down by President Thieu. The first of these was "no negotiating with the enemy." As the ensuing sessions of the Joint Military Commission made clear, this policy

not only hampered American efforts to bring about compliance with the Paris agreement and protocols by all four parties, but hindered American efforts to help the South Vietnamese themselves.

The second policy of "no Communist activity in South Vietnam" directly countered some of the basic concepts of the Paris treaty. The Americans in Saigon tried to persuade the South Vietnamese to let the Viet Cong emerge and compete in political life, but to no avail. Only gradually, and with immense effort, were the Viet Cong and North Vietnamese delegations granted minimal privileges and immunities. Meanwhile, the Communist delegations tended to use privileges and immunities issues to delay substantive discussions on bringing about the cease-fire. The effect was that the intransigence of the South Vietnamese put them at a propaganda disadvantage.

The third policy of "no coalition government" stymied any meaningful discussions aimed at establishing a Council of National Reconciliation and Concord as envisioned in the Paris agreement. This stubbornness contributed in part to the North Vietnamese decision to resolve the political issues by not only continuing but stepping up the conflict in 1975 to effect the conquest of South Vietnam and its forcible unification with the North. Hanoi had demonstrated its capability to compete militarily with Saigon, as evidenced by South Vietnamese reliance on American support and intervention throughout the war, and especially in 1972. Moreover, it was also possible that Hanoi could also compete politically. By shutting the political door, Saigon forced Hanoi to reopen the military one, even though South Vietnamese reluctance to establish such a council was well founded.

"No surrender of territory to the enemy," the fourth South Vietnamese policy, made it impossible for the commission to establish respective areas of control or bring about a cease-fire. Since the South Vietnamese were willing to continue the war at the same level as the Communists, it was difficult to reduce the level of fighting. The direct results of this policy became clear in the early days of the commission's existence, when the South Vietnamese Armed Forces reacted to last-minute landgrabbing attempts by the North Vietnamese and Viet Cong. These actions and reactions had generally begun in the period between the signing of the Paris agreement and its entering into force; they practically guaranteed that a true in-place cease-fire would be difficult, if not impossible to achieve.<sup>17</sup>

It is tempting to place much of the blame for the failure of the cease-fire and ultimately of the Paris agreements and protocols on President Thieu and the South Vietnamese. But the evidence indicates that they were no more to blame than their fellow Vietnamese—the Viet Cong and

the North Vietnamese—perhaps even less so. The South Vietnamese believed that the North Vietnamese and Viet Cong would initiate land-grabbing operations immediately prior to the effective date of a peace treaty. These offensive operations would violate the spirit of such a treaty if not its letter. However, if the combat initiated by Communist forces continued past the day the cease-fire was to begin, the difficulties of determining which side committed the cease-fire violation were immense.

The South Vietnamese fear and belief that the Communists would mount such operations were based on stronger evidence than their long years of experience in fighting the insurgency and, later, the North Vietnamese invasion. In mid-October 1972, at about the time Henry Kissinger thought he had concluded an agreement with Le Duc Tho, a South Vietnamese army unit captured a document revealing enemy intentions and motivations for the period immediately preceding and following an armistice agreement. The document described the terms of the still highly secret—secret at least, in the United States—draft agreement and protocols. More importantly, it set forth plans to be carried out during the cease-fire. There was one problem, however. The document implicitly assumed that the cease-fire would be effective by the end of October, and in some areas, the Viet Cong tried to effect the plan, giving the document greater credence than it might have had and allowing the South Vietnamese to take steps to forestall its success.

This and other captured documents revealed the motivations of the North Vietnamese and Viet Cong delegates to the commission and explained their reluctance to participate in cease-fire investigations. In expectation of the imminence of the armistice, Communist units were to initiate widespread offensive military operations at all levels against South Vietnamese military units, hamlets, and other populated areas. The Communists were to interdict major roads and fight to retain their gains until international representatives from the ICCS or the Joint Military Commission arrived on the scene. The North Vietnamese or Viet Cong were then to take actions to demonstrate that they were not in violation of the cease-fire but, rather, that South Vietnamese defensive and counterattack operations were. Communist attacks were to intensify in the period beginning 3 days before the cease-fire came into force, and, where successful, the now-captive population was to stage demonstrations demanding that the South Vietnamese implement the cease-fire.

Following this period of intense offensive actions, the Viet Cong and North Vietnamese were to demand freedom of movement, public meetings (implying press attendance as well), and other privileges designed to weaken the South Vietnamese Government and establish Viet Cong legitimacy in these newly conquered areas. The overall Communist objective

for the period immediately following the effective date of the Paris agreement and protocols was to maintain pressure on the South Vietnamese, seek the dismantling of their armed forces, and enhance Communist prestige. Simultaneously, a sustained propaganda campaign was to be mounted that focused on demanding strict South Vietnamese implementation and observance of the Paris treaty.

It was clear from the beginning, then, that the North Vietnamese and Viet Cong did not intend to observe the provisions of the agreement and protocols either in spirit or in letter. In describing how the North Vietnamese finally conquered South Vietnam and forced its unification with the North, General Vo Nguyen Giap, Hanoi's famed defense minister, frankly stated the North Vietnamese aims for the period following the signing of the Paris treaty:

Our Party emphasized the continuous need to maintain the viewpoint on revolutionary violence, was resolved to use revolutionary war and firmly grasped the thought of offensive strategy. It combined military struggle with political struggle and at certain stages of the revolution also with diplomatic struggle, in order to completely defeat the US-Thieu neocolonialist war of aggression.

In short, Communist offensives were to continue in order to strengthen the position of the Communist delegates at the conference table, whether in Saigon, Paris, or elsewhere. In their view, the Paris agreement and protocols were only scraps of paper that provided additional time to regroup and take advantage of the absence of American military power within South Vietnam.<sup>18</sup>

Closely related to this willingness to disregard the treaty was the recognition by all the Vietnamese—North, South, and Viet Cong—that the Paris agreement was a victory for the Communists. It was a diplomatic triumph, a victory they had no hopes of achieving on the battlefield, as their military defeat following the 1972 spring offensive had indicated. Although it is easy to dismiss such claims as attempts at propaganda, the strength of this belief is obvious from the statements emanating from the North Vietnamese and Viet Cong leadership. As early as 28 January 1973, a clandestine Viet Cong radio broadcast spoke of the "great victory." Asserting that the "new weapon in our hands is the signed agreement," the broadcast urged Communist cadres and combatants to continue to struggle to unify the two Vietnams. "The agreement represented a big victory for our people and a big defeat for the US imperialists and their lackeys," stated General Van Tiem Dung, Chief of Staff of the North Vietnamese Army and Communist Party Central Committee member. "The Paris Agreement marked an important step forward in our people's revolutionary struggle, and opened up a new period in the South Vietnamese revolution: the period for



completing the people's democratic revolution, and for reuniting the country." This new period, he believed, "would be the final phase of the people's democratic revolution in general, and of revolutionary war in the South in particular."<sup>19</sup>

The perceptions of many South Vietnamese were the same. Air Marshal Nguyen Cao Ky, former Prime Minister of the Republic of Vietnam, believed the North Vietnamese and Viet Cong would not respect their promises made in Paris "because they have got the Americans out and that is the biggest victory the Communists have ever had. . . . That is an enormous step toward the total domination of Vietnam and there is no reason why they should stop now." Many other leading South Vietnamese echoed the view that the Paris agreement indicated a turn for the worse for them.<sup>20</sup> The corollary was that the South Vietnamese must resist the Communists as much as possible since the Americans would not be there to fight the daily battle.

Although the North Vietnamese and Viet Cong shared common goals for the most part, there were some differences, particularly as far as the Viet Cong were concerned. The insurgents needed to establish their legitimacy as a sovereign entity, a step hastened by their inclusion in the formal Paris negotiations and accepted additionally by the Americans by their presence as an equal participant in the deliberations of the Four-Party Joint Military Commission. Yet another difference between the two Communist delegations, but one never exploited by the Americans and South Vietnamese, was the question of who was to be the real spokesman for South Vietnamese Communists if they prevailed in the political struggle that should theoretically follow the signing of the agreement and protocols.<sup>21</sup> This difference was reflected in part in the Viet Cong approach to the reunification of North and South Vietnam. Although both Communist entities desired reunification, the Viet Cong preferred a more gradual, step-by-step program, featuring in its initial phases a coalition government that would increase Viet Cong legitimacy and political strength.

North Vietnamese and Viet Cong goals at the conference table in Saigon related closely to their overall strategic goal of reunifying Vietnam and establishing a Communist regime throughout the country. From this long-term goal, more specific goals were derived, the most pertinent of which for the Joint Military Commission were the withdrawal of US military forces and the overthrow of the Saigon government. Both Communist groups understood that the latter could be achieved more easily once the former had occurred. Consequently, for both North Vietnamese and Viet Cong, the removal of the American military presence from South Vietnam was their item of highest priority during the deliberations of the commission. It explains the willingness of their delegation chiefs to take

extraordinary personal actions when, for example, delays in the return of American prisoners of war appeared to threaten the associated withdrawal of US forces. They may have believed that little propaganda value could be gained by pressing the Paris treaty and its attendant understandings too strongly, since they clearly realized that they had been given a victory in the diplomatic arena not attainable on the battlefield.<sup>22</sup>

The Communist concept of protracted struggle, long set forth in the writings of General Giap, was an underlying factor in the actions of the Communist delegates on issues regarding the implementation of the Paris treaty. Communist dignitaries from Hanoi, visiting North Vietnamese troops in the South in early 1973, underscored this idea. They described the cease-fire agreement as only a stopover, a short rest, on the way to "liberating" South Vietnam. The treaty was seen as a link in their talk-and-fight strategy—a situation described as "peace in war"—that would take advantage of the written statements of the agreement and protocols while at the same time carrying on the struggle. The treaty would provide the time needed for the North Vietnamese and Viet Cong to recover from their 1972 losses in both North and South Vietnam without jeopardizing the initiative they had come close to losing in late December 1972. General Dung described the ultimate victory as "the result of eighteen years of determined and persistent struggle by our army and people under the correct leadership of our party." General Giap spoke of building up the correct correlation of forces over several decades of protracted conflict. The North Vietnamese and Viet Cong, Giap declared before their military defeats during the Tet 1968 offensive, "are ready to carry on the resistance for five, ten, twenty, or more years, and are firmly confident of victory." A year after that assault had been thrown back, Giap repeated this theme. Observing that the war could not be won in a few years, he said, "War against the United States takes time. They'll be beaten with time, worn out."<sup>23</sup> This long view of history, this belief in the ultimate outcome of the protracted struggle, enabled the Communists to wait out the Americans for 2 months more during the 60-day period that the Four-Party Joint Military Commission was in existence.

### Chapter 3. Notes

1. *Weekly Compilation of Presidential Documents*, 29 January 1974, pp. 45-64, contains the texts of the Paris agreement and protocols. I have used the copies, not published in the *Weekly Compilation*, that were made available to MACV and the US Delegation. The key points of the agreement, protocols, and missions of the

Four-Party Joint Military Commission as they were understood in Saigon by those American officials charged with their execution were drawn from the Final Report. For a superficial treatment of the Four-Party Joint Military Commission, see Alfred K. Richeson, "The Four-Party Joint Military Commission," *Military Review* 53 (August 1973): 16-27. Major Richeson was assigned to the US Delegation and apparently produced his brief article from briefing scripts, early drafts of the Final Report, and selected messages, none of which he cited. Some of the documents he may have used are in WNRC 319-74-051, Box 22, folder 7, and Box 32, folder 3. For a view that places the blame for the failure of the peace on the United States and South Vietnam and holds the Communists blameless overall, see Porter, pp. 206-18.

2. Memorandum, 20 February 1973, Subject: Trip to Bangkok to Receive DRV/PRG Delegations, WNRC 319-74-051, Box 23, folder 12; Sir Robert Thompson, *Peace is Not at Hand*, pp. 141-42; personal recollections of the author.

3. *Stars and Stripes* (Pacific Edition), Tuesday, 30 January 1973, p. 24.

4. Final Report, Annex B.

5. Note, Col. Luu Van Loi and Col. Dang Van Thu to Col. Edward C. O'Connor, 290850Z January 1973, WNRC 319-74-051, Box 23, folder 12.

6. Memorandum, 20 February 1973, Subject: Trip to Bangkok to Receive DRV/PRG Delegations, with supplement dated 23 February 1973, WNRC 319-74-051, Box 23, folder 12.

7. Final Report, Annex B; Message, Chief, USDEL, FPJMC, to COMUSMACV, 290445Z January 1973, Subject: Morning Session of Deputy Chiefs' Meeting, Four-Party Joint Military Commission, 29 January 1973, WNRC 319-74-051, Box 20, folder 2.

8. Message, CH USDEL FPJMC to COMUSMACV, 291830Z January 1973, Subject: Afternoon and Evening Sessions, Deputy Chiefs' Meeting, FPJMC, 29 January 1973, WNRC 319-74-051, Box 29, folder 6; Miles notes, November 1980.

9. Message, CH USDEL FPJMC to COMUSMACV, 301550Z January 1973, Subject: Morning and Afternoon Sessions, Deputy Chiefs' Meeting, FPJMC, 30 January 1973, WNRC 319-74-051, Box 15, folder 6.

10. Message, CH USDEL FPJMC to COMUSMACV, 011810Z February 1973, Subject: Summary of Deputy Chiefs' Meeting, FPJMC, 1 February 1973 (Morning and Afternoon Sessions), WNRC 319-74-051, Box 29, folder 6; Final Report, Annex B.

11. Message, CH USDEL FPJMC to COMUSMACV, 021850Z February 1973, Subject: Summaries of Chiefs' Meetings and the Deputy Chiefs' Meetings, FPJMC, 2 February 1973, WNRC 319-74-051, Box 29, folder 6; Woodward interview; MACV staff briefing script, WNRC 319-74-051, Box 32, folder 3; Porter, p. 207; biographical sketches, WNRC 319-74-051, Box 30, folder 25.

12. One useful study of this subject is Robert E. Scheidig, "A Comparison of Communist Negotiating Methods," *Military Review* 54 (December 1974): 79-89.

Scheidig, a member of the US Delegation, FPJMC, compared the American experiences in Panmunjom and South Vietnam.

13. Drawn from Final Report, pp. 8-12, and my recollection of discussions in Saigon and Washington in 1973 with Generals Weyand, Woodward, and Wickham, Major Miles, and other former members of the US Delegation and MACV.

14. "Memorandum of Understanding Between the US Military Assistance Command, Vietnam, and the Joint General Staff, Republic of Vietnam Armed Forces, for the Transfer of US Facilities to RVNAF," signed by General Woodward on 2 November 1972, WNRC 319-79-051, Box 20, folder 35; Statement, "Dismantlement of Bases," 4 February 1973, WNRC 319-74-051, Box 29, folder 20, attached to letter to Canadian Ambassador Gauvin, 11 February 1975.

15. Message, CH USDEL FPJMC to COMUSMACV, 041755Z February 1973, Subject: Summary of Chiefs' Meeting, FPJMC, 4 February 1973, and Message, CH USDEL FPJMC to COMUSMACV, 071721Z February 1973, Subject: Summary of Chiefs' Meeting, FPJMC, 7 February 1973, both in WNRC 319-74-051, Box 29, folder 6; Porter, pp. 232-33. An examination of the reports following all other meetings of delegation chiefs reveals that the subject was never mentioned again as an issue. As noted, the treaty (Article 6) technically would not be violated until a 60-day period had passed.

Equipment transfers were also questioned by the Viet Cong, although with even less reaction from the North Vietnamese, in the delegation chiefs' meeting on 7 February. On 8 February, however, the Viet Cong position shifted to one of urging that equipment still remaining in the hands of US forces be withdrawn under plans approved and supervised in their execution by the commission (Message, CH USDEL FPJMC to COMUSMACV, 0811440Z February 1973, Subject: Summary of Chiefs' Meeting, FPJMC, 8 February 1973, WNRC 319-74-051, Box 29, folder 6.) The pertinent provisions, Article 7 of the agreement and Articles 7 and 8 of the implementing Protocol on the Cease-Fire in South Vietnam and the Joint Military Commissions, contemplated such a transfer, specifically forbidding it only "subsequent to the entry into force of the Agreement."

16. Kissinger, *White House Years*, p. 1470; Allen E. Goodman, *The Lost Peace: America's Search for a Negotiated Settlement of the Vietnam War* (Stanford, Calif.: Hoover Institution Press, 1978), pp. 165-77, 204-14.

17. Stephen T. Hosmer et al., *The Fall of South Vietnam: Statements by Vietnamese Military and Civilian Leaders* (Santa Monica, Calif.: Rand Corporation, 1978), pp. 17-18, 43; Goodman, pp. 166-69; Nguyen Cao Ky, *How We Lost the Vietnam War* (Briar Cliff Manor, New York: Scarborough Books, 1978), p. 191; Vo Nguyen Giap, *How We Won the War* (Philadelphia: Recon Publications, 1976), p. 3; Sauvageot commentary.

18. Nguyen Duy Hinh, *Vietnamization and the Cease-Fire* (Washington, D.C.: U.S. Army Center of Military History, 1980), pp. 126-32; Goodman, pp. 167-73; Ky, pp. 191-92; Edgar O'Ballance, *The Wars in Vietnam, 1954-1973* (New York: Hippocrene Books, 1975), p. 177; Louis A. Fanning, *Betrayal in Vietnam* (New Rochelle, N. Y.: Arlington House, 1976), pp. 138-44; Weldon A. Brown, *The Last*

*Chopper: The Denouement of the American Role in Vietnam, 1963-1975* (Port Washington, N.Y.: Kennikat Press, 1976), pp. 277-81; Sir Robert Thompson, *Peace is Not at Hand*, pp. 140-245. For dissenting interpretations of this perpetually controversial point concerning relative Vietnamese intentions, see Porter, pp. 189-238, and Joseph Buttinger, *Vietnam: The Unforgettable Tragedy* (New York: Horizon Press, 1977), pp. 123-25. Their position seems more ideologically motivated than factually based, particularly considering the events of 1975 and later in Vietnam when, once again, large numbers of South Vietnamese voted with their feet, as in the case of the "boat people."

19. Text of Communist Clandestine Radio Broadcast "On the Signing of the Paris Agreement," 28 January 1973, in Goodman, pp. 200-203; Van Tiem Dung, *Our Great Spring Victory: An Account of the Liberation of South Vietnam* (New York: Monthly Review Press, 1977), p. 7.

20. Ky, pp. 191-92; Hosmer, pp. 5-6; Hinh, *Vietnamization and the Cease-Fire*, pp. 165-66.

21. Hosmer, p. 17; Sauvageot also commented that not only was this difference not exploited within the FPJMC context, but it was not appreciated or taken into account by the US Government during the period following the Communist takeover. For example, excluding the Viet Cong from the United Nations may have added impetus to pressures favoring rapid reunification under Hanoi's domination. Sauvageot commentary.

22. BDM Corporation, 5:1-2 1-6.

23. Giap, *How We Won the War*, p. 34; Giap, *People's War, People's Army* (New York: Praeger, 1962), pp. 46-50; Giap, "Big Victory, Great Task" (New York: Praeger, 1968), p. 57; Giap, *The Military Art of People's War: Selected Writings of General Vo Nguyen Giap*, ed. Russell Stetler (New York: Monthly Review Press, 1970), p. 330; Dung, p. 7; Hinh, *Vietnamization and the Cease-Fire*, pp. 129-31; Nguyen Duy Hinh and Tran Dinh Tho, *The South Vietnamese Society* (Washington, D.C.: US Army Center of Military History, 1980) pp. 109-20.

## 4

# THE MAJOR SUCCESSES: RELEASE AND RETURN OF THE PRISONERS OF WAR AND THE AMERICAN TROOP WITHDRAWAL

*The prisoners: But these were no ordinary men.  
These were true heroes.*

Richard Nixon

*We are honored to have had the opportunity to  
serve our country under difficult circumstances.*

Captain Jeremiah P. Denton, USN,  
Returned Prisoner of War on Arrival  
at Clark Air Base

Throughout the years of American involvement in the Vietnam war, many strong emotions affected the American public and American policy. But, in addition to the traditional reactions toward war, death, and destruction, the Nation also focused consistently on the return of, and complete accounting for, American prisoners of war and on the withdrawal of American troops. These two matters were connected in the minds of many Americans, and in the years of relatively secret negotiations and meetings between Henry Kissinger and Le Duc Tho, they were officially and unshakably linked in the American negotiating position on ending the war.<sup>1</sup>

In their early meetings with their Vietnamese counterparts, both General Woodward and General Wickham stressed this linkage between the release of American prisoners of war and American troop withdrawals. The Americans presented their general plan for troop withdrawal and noted that several issues concerning the prisoners needed to be resolved. All four parties agreed that a Prisoner-of-War Subcommittee be formed to expedite the process.

The clock had already started to run. The Paris agreement provided the Four-Party Joint Military Commission with 60 days to complete its work after the treaty came into force. With regard to repatriation of American prisoners, the provisions stated that their return would be at a rate no slower than the rate of withdrawal of US and other Free World Military Assistance Forces. In short, the process was to be completed by 25 March, in phases agreeable to the four parties. Yet what seemed simple to achieve from the terms negotiated in Paris proved more difficult to accomplish in the realities of Southeast Asia.

At the first meeting of the Prisoner-of-War Subcommittee on 3 February, several agreements were reached. First, the North Vietnamese and Viet Cong agreed to provide 48-hours advance notice of the date and place of American prisoner releases. The Viet Cong indicated they would have one release point for US prisoners held in South Vietnam, probably the airfield at An Loc in Military Region III. They stated that 10 or 11 February were possible dates of prisoner release. The North Vietnamese suggested that they would free more American prisoners than the required one-fourth in the first phase. Although the Americans nominated the Canadian Red Cross and the South Vietnamese their own society, action was deferred on a decision to agree on two Red Cross societies to visit the camps. The South Vietnamese delegate indicated he would not insist on the South Vietnamese Red Cross if this precluded agreement on this question.<sup>2</sup>

At the meeting on the following day the subcommittee members agreed on the Red Cross societies of Canada and Poland, an agreement that later broke down. The Viet Cong then announced that 27 American military prisoners would be released at the airfield near An Loc in the first phase but gave no date for their release. The North Vietnamese asked for, and received, technical information on the support and evacuation aircraft to be used in bringing the prisoners from North Vietnam. The North Vietnamese stated that all of the prisoners to be released in the first phase were in good physical condition; there would be no need for litters on the first evacuation aircraft.<sup>3</sup>

For the next several days, the discussions focused on the mechanics of arranging for the release. Problems began to result from the North Vietnam-

ese delegation's purported difficulty in communicating with Hanoi. It was difficult for the Americans to determine if this was a ploy to delay the prisoner release and keep the US Delegation off balance. Although the question of the Red Cross societies had appeared settled on 4 February, the North Vietnamese and Viet Cong delegations began to press for their own societies to visit detention areas in South Vietnam in addition to the Polish and Canadian societies. At the 7 February meeting, the Communist delegations sought to have the selected societies inspect not only military prisoner-of-war camps but also South Vietnamese civilian detainee sites. This proposal was rejected by the United States on the ground that such problems were to be decided as a two-party matter between the South Vietnamese and the Viet Cong.

At this same meeting, the South Vietnamese added their own complications to the release of military prisoners. Although they had earlier stated that 7,000 prisoners of war would be released, they now revised their figure to 2,000. The Viet Cong and North Vietnamese promptly tried to connect this issue with the release of American prisoners. At the meeting the following day, however, the South Vietnamese eventually backed off and agreed to release the original 7,000.<sup>4</sup>

At the meeting on 10 February, the North Vietnamese confirmed their intentions stated the day before to release the first American prisoners on 12 February in Hanoi, and provided the names of the 115 Americans who would be returned to US control. The Viet Cong delegate handed over the names of 9 American civilian prisoners and 18 American military prisoners whom they planned to turn over on 12 February, stating that the point of pickup would be Quan Loi Airfield near An Loc (this was later changed to Loc Ninh). The US delegate agreed to pick up the American prisoners at Gia Lam Airfield in Hanoi and at Quan Loi. The discussion then turned to the technicalities of preparing the airfields near the sites selected for prisoner exchange in South Vietnam.<sup>5</sup>

Early on the morning of 12 February, the American machinery for receiving the prisoners moved into action. Using the codename Operation Homecoming, the US organization was prepared to pick up and transport the freed prisoners to Clark Air Base for the first leg of their return trip home.

The prisoner release in Hanoi took place with only minor hitches. Extensive bad weather reported by Gia Lam Airport caused a 2-hour delay, but the remainder of the operation followed the prearranged sequence. Before the American members of the Four-Party Commission observer team left Saigon, Colonel B. H. Russell, the chief American delegate to the Prisoner-of-War Subcommittee, stressed that the US reception team aboard the C-141 aircraft from Clark Air Base would deal with



the North Vietnamese through the commission observer team. He instructed the two American officers, Major John T. Thompson and Major James R. Crinan, to take a copy of the prisoner roster released by the North Vietnamese and try to verify it during the exchange. He also told them to try to visit the last place the prisoners had been held.

When the American observers arrived at Tan Son Nhut Air Base to board their C-130 aircraft along with the observers from the other delegations, they discovered that, despite earlier statements, the South Vietnamese had not sent observers. Nonetheless, the aircraft departed Tan Son Nhut for Hanoi, with representatives of all four nations of the International Commission of Control and Supervision (ICCS) and the American, North Vietnamese, and Viet Cong observers from the Four-Party Commission aboard. They landed at Gia Lam Airfield at 1000 hours Saigon time.

The North Vietnamese briefed the ICCS team first. The prisoners were to be brought from their place of detention to a "gathering point" near the airport. The airfield itself was to be the release point. The ICCS team raised the question of visiting the last place of detention; negotiating on this point continued for several hours and was finally resolved in favor of a visit after the prisoner exchange was completed.

The Four-Party Commission was then briefed. Credentials for the American reception team were presented to the North Vietnamese, who accepted them without question. The team's arrival was discussed in detail. Surrounding them were numerous people who appeared to be newsmen with cameras and recording devices, but the American observers did not notice anyone with press credentials among them.

The American reception team arrived at 1105 hours and met immediately with North Vietnamese officials. The meeting began in the foyer of the extensively damaged main terminal building; the North Vietnamese attributed this destruction to the B-52 bombing raids. This room might have been chosen for psychological reasons, although propaganda considerations were probably more important. Once this initial propaganda point was made, the meeting moved to a semiprivate room on the second floor.

The North Vietnamese stated that 116 Americans would be released, one more than originally planned. Included in this number were 29 sick and wounded prisoners. The newly added prisoner to be released was Navy Lieutenant Commander Brian Woods, whose mother was critically ill. The North Vietnamese contended that the addition of Woods was evidence of their good will.

The general plan was to bring the prisoners from a gathering point located within 500 yards of the airfield to the release point, a fenced area

immediately in front of the terminal building. The prisoners would be brought up in groups of 20, except for the last group, which would contain 16. The rosters had been prepared accordingly and were handed to the US reception team. Both the US reception team and the North Vietnamese were to sign the rosters, which would then serve as a receipt. The North Vietnamese had also drafted a joint statement they wanted signed and issued by both parties after the exchange was completed; the US team insisted upon several changes before signing the draft.

The chief of the US recovery team, Colonel James R. Dennett, United States Air Force, agreed to the plans proposed by the North Vietnamese for the release of the prisoners and asked if the ICCS could visit the last place of detention. The North Vietnamese replied that the ICCS was discussing this matter, but that it could be done. The North Vietnamese agreed to a more rapid arrival of the C-141 evacuation aircraft than originally planned, and Colonel Dennett agreed to place the sick and wounded prisoners on the first aircraft.

Several minutes before the first evacuation aircraft landed, the first group of 20 prisoners arrived by bus in the vicinity of the release point. They were marched in a column of two's for the remaining distance, amid picture-taking by a crowd of about 75 persons. All of the American prisoners were wearing light-green zippered jackets, dark blue-gray civilian trousers, and black shoes. Each had been given a black leather, or imitation leather, handbag for personal articles. They were neat in appearance, and, except for three litter cases in the second group, were able to walk to the release point. They appeared to be in generally good physical condition.

The exchange began at 1 minute past 1 p.m. and was completed with dispatch. As a North Vietnamese official called the name of a prisoner, that prisoner stepped forward and was turned over to an American from the reception team. Each prisoner was personally escorted to the aircraft by a member of the US team. This and subsequent releases were conducted under the supervision and observation of the Four-Party Commission and ICCS, and the names were verified from a roster in the hands of the US members of the commission team.

The remaining six groups of prisoners were released in the same manner at short intervals that varied from 3 to 38 minutes, depending on the arrival of the evacuation aircraft. The last prisoner, Lieutenant Commander Woods, answered the roll call at 1431, and the final evacuation aircraft was airborne 27 minutes later.

An hour and a half later, at 1600, the Four-Party Commission observer team and the ICCS were taken to the Hao Lo Prison in Hanoi, a facility built by the French some time after World War I. The observers

were shown the section of the prison that the North Vietnamese reported had been occupied by the 116 prisoners the day of their release.

The three rooms in which the prisoners had been interned, according to the North Vietnamese escorts, were each approximately 100 feet long and 25 feet wide, with ceilings about 25 feet high. Twenty-four to twenty-eight men were assigned to each room. The sick were kept in the prison infirmary. A concrete slab, 12 to 14 feet wide and 2 feet high, was located in the center of one room; in a second, these slabs were situated along the walls. Individual sleeping pallets, made of straw mats on wooden platforms, rested on the slabs. Drinking water came from covered containers with faucets. The North Vietnamese claimed the prison had been damaged by bombs falling 150 meters away.

The North Vietnamese stated that only American captives were interned in Hao Lo Prison. According to the guards, other US prisoners were still incarcerated there at the time of the inspection, but the commission team did not see them, nor would the guards show the visitors where the captives currently were.

Shower facilities were available. There was a volleyball area. The kitchen was located in a large kiosk-type building, partially open, that measured about 30 feet across. Rooms in the infirmary were 10 feet by 10 feet and could accommodate three sleeping pallets. A translated copy of the protocol on prisoners of war was posted in the recreation area. There was no evidence of prisoner work programs.

North Vietnamese officials provided a daily schedule that they claimed the prisoners followed during their internment:

0530	wakeup
0645	cells opened
0645-1100	own time (prisoners could engage in activities of their choice)
1100-1345	cells locked
1345-1770	own time
1700-2130	cells locked
2130-	sleep

The tour of the prison facilities ended at 1638. The commission and ICCS teams then returned to Gia Lam Airfield and departed for Saigon at approximately 1745.

The conditions of imprisonment as set forth by the North Vietnamese seemed rigorous, but they were ideal compared to the conditions later described by the returned prisoners of war. Brutality and torture were more the rule than the exception in North Vietnamese prison camps. Some died

as a result of this inhumane treatment. All survivors were affected psychologically, or physically, or both, to greater or lesser degrees, by their experience; they provided the penultimate sacrifice for their country.<sup>6</sup>

The prisoner release in Hanoi was a model of smoothness compared to the one held by the Viet Cong in Loc Ninh. The return in the South was complicated by the fact that the South Vietnamese Government had agreed to release Viet Cong prisoners held by them at the same time. The Viet Cong and their delegation to the Four-Party Commission seized this opportunity to try to link the release of American prisoners held in South Vietnam to that of captive Viet Cong soldiers, despite the clear understanding reached in Paris that American prisoner releases were linked only to American troop withdrawals.

The operation began on schedule. The commission observer team arrived in Loc Ninh a little more than an hour before the time for the transfer. Twenty minutes later, Brigadier General Stan L. McClellan arrived by helicopter with the US reception team. He was immediately greeted by Viet Cong officials who explained the procedure for the release and noted that the prisoners would be turned over beginning at 0900. The designated time came and went, however. Eventually, the Viet Cong informed General McClellan that, although the American and South Vietnamese prisoners held at Loc Ninh were ready for release, there would be a wait until the arrival of the Viet Cong prisoners to be turned over by the South Vietnamese at Bien Hoa.

General McClellan responded that the release of the American prisoners was linked only to the withdrawal of American troops, not to the exchange of prisoners among the three Vietnamese parties. Lieutenant Colonel Francis L. Brokaw, the US representative on the Joint Military Commission team, confirmed this position and formally requested release of the American prisoners. The Viet Cong replied that, although they agreed in principle with this understanding, they must wait. They also accused the South Vietnamese of causing the delay.<sup>7</sup>

The problem, it turned out, lay with the Viet Cong prisoners at Bien Hoa awaiting transportation to Loc Ninh. They had staged a sitdown strike in their prison compound, claiming they did not believe North Vietnamese and Viet Cong representatives were on the Four-Party Joint Military Commission and implying that they were South Vietnamese in disguise. South Vietnamese officials at the Bien Hoa prison camp interpreted this action as another trick; one suggested that perhaps the prisoners realized they were better off in Bien Hoa than in the jungles. An American observer reported that the delay was a "put-up job by the hard-core North Vietnamese in

camp." He suggested that the purpose was to demonstrate to North Vietnam how firm they were.<sup>8</sup>

Back in Saigon, General Woodward's people reacted promptly and strongly to resolve the apparent impasse. Faced with the position taken by the enemy prisoners at Bien Hoa, they decided to try to send North Vietnamese and Viet Cong representatives from the central commission to the prison camp to persuade the prisoners this was not a trick and to assure them they would be released to Communist forces. Because of a delay in getting authorization from the South Vietnamese to position an aircraft at Base Operations, the representatives departed for Bien Hoa by automobile. Colonel Russell, joined by Lieutenant Colonel Gordon L. Kramer and Staff Sergeant Falkenberry of the Language and Liaison Division, went to Davis Station, the North Vietnamese and Viet Cong compound on Tan Son Nhut Air Base, to see Colonel Le Truc, one of the senior Viet Cong delegates.

Discussions with Truc were fruitless. He continued to link the American prisoner release with the Viet Cong release. Colonel Russell reiterated that the Vietnamese prisoner release was a two-party matter and urged the Viet Cong to release the American prisoners. He suggested that the South Vietnamese and Viet Cong then work out their differences resulting from the situation at Bien Hoa. Truc stated that this was impossible because Lieutenant General Tran Van Tra had ordered the suspension of prisoner releases throughout South Vietnam. Truc said that the problem should be solved by the Chiefs of Delegation. At this point Colonel Russell terminated the meeting.

A few minutes after Colonel Russell's departure, Colonel Kramer approached Colonel Le Truc and asked for clarification of the Viet Cong position so that it could be clearly reported to the US Delegation. Replying that the American prisoners of war would be released only when the Viet Cong prisoners were released from Bien Hoa, Truc said the Viet Cong had sent a delegation to Bien Hoa to negotiate for the release of the prisoners. If the prisoners were released, he continued, the Viet Cong liaison officer would accompany them aboard the aircraft to Loc Ninh. If the prisoners were not released, he threatened, the entire Viet Cong delegation at Region V would be withdrawn to Saigon, where the matter would be put before the central commission. Kramer relayed this information to the US Delegation headquarters.

In the meantime, General Woodward had affirmed to General McClellan that the release of American prisoners was linked only to the withdrawal of American troops and other free world forces allied to the South Vietnamese—there was no linkage in any way to the release of Viet Cong prisoners. In his opening statement at the Chiefs of Delegation

meeting that morning, he had restated this position and protested the delay. General Tra had responded that the Prisoner-of-War Subcommittee had agreed that the release of the American prisoners would follow the release of the Viet Cong; if the latter were delayed, there would also be a delay in the return of the US prisoners. Rejecting this argument, General Woodward had replied that unless he received assurance that American prisoners were being released, he would withdraw from the meeting and seek instructions from his government. General Tra then agreed that delays at Bien Hoa had no relationship to the return of American prisoners and dispatched a liaison officer by helicopter at 1150 to Loc Ninh, ostensibly for the purpose of expediting the release of the US prisoners.

As soon as the helicopter arrived, the Viet Cong liaison officer went into a huddle with the local Communist representative. About half an hour later, he invited the American representative to a meeting, but General McClellan reported that nothing new came out of this session. Apparently the liaison officer from General Tra had not been instructed to release the American prisoners. The Americans were asked, as they had been several times previously, to sign a statement that blamed the South Vietnamese for the delay. This they refused to do. Shortly thereafter, the Viet Cong liaison officer left for Saigon without having accomplished anything substantive toward the release of the prisoners. General McClellan reported this status to General Woodward.

General Woodward immediately informed the central commission that he was withdrawing from the meetings of the delegation chiefs to consult with his authorities. He had warned General Tra in the morning session that continued American participation in the meetings depended on a prompt resolution of the deadlock on the American prisoners at Loc Ninh. This was a dramatic action calculated for maximum effect on the Viet Cong delegation. Woodward knew the effectiveness of this technique from his own experience at Panmunjom and from Admiral C. Turner Joy's observations on the negotiations during the Korean war. What was critical, however, is that Woodward took this step on his own, not knowing in advance the reaction in Washington to such a move.

About 2½ hours later, the US Delegation Language and Liaison Division received a call from La Con, General Tra's interpreter. Speaking to Kramer, Con said that he was passing a message from Tra that would be followed by an official note. Tra's message began with the accusation that the delay was the fault of the South Vietnamese in holding up the return of the Viet Cong and North Vietnamese prisoners at Bien Hoa. There was no acknowledgment that the root of the problem was the prisoners' refusal to board transportation to take them to the aircraft.

"However," the message continued, "to show our good will and to carry out the return of prisoners to the limits of our possibilities, I have ordered to reverse the order of return." Tra assured the US Delegation he would see that the American prisoners were returned that afternoon, and he asked that General Woodward arrange for the transportation of two liaison officers to Loc Ninh to deliver the order.

The US Delegation responded immediately. A helicopter flight to Loc Ninh was ordered, and the Operations Center and General Woodward's office were alerted. Instructions were given to send a US Delegation liaison officer and interpreter. Shortly after, the North Vietnamese delegation duty officer called with a request to have one of their liaison officers accompany the party. The request was approved.

The flight departed with Kramer and an enlisted assistant aboard as the American liaison team and reached Loc Ninh after a refueling stop at Lai Khe. Kramer reported to General McClellan that the two liaison officers from the Viet Cong delegation had arrived with instructions to reverse the situation.

In the meantime, the Viet Cong officials dispatched to Bien Hoa had persuaded the prisoners there to climb onto the trucks carrying them to the aircraft for their flight to Loc Ninh, where the first C-130 landed in late afternoon with 75 Viet Cong prisoners aboard. American observers at Loc Ninh advised the Viet Cong officials that their conditions for the release of the Americans were now met since the senior South Vietnamese representative had arrived with the aircraft and Viet Cong prisoners were now at Loc Ninh. General McClellan formally requested the release of the Americans. The Viet Cong officer replied, however, that "the procedures for release must be worked out." When a second C-130 arrived with 75 more prisoners, both planeloads were released to the Viet Cong. Almost immediately, the Communist officials agreed to bring the American prisoners up to be checked by the American medical officer present with the reception team. By the time Kramer's party arrived, this process had begun.

Kramer, his interpreter, and the three other liaison officers who had come with him remained on the periphery of the scene watching the processing of the prisoners. In about 20 minutes, General McClellan called them over to where he was talking with the local Viet Cong commander. This official was insisting that the general sign a receipt for the prisoners that ascribed the delay in the release to the South Vietnamese. Kramer informed the liaison officers that General Tra, in his late-afternoon message to General Woodward, had divorced the return of American prisoners from the delay in arrival of the Viet Cong prisoners. Kramer also pointed out that the inclusion of such a notation on the prisoner receipt was clearly

contrary to the expression of good will Tra had given as the basis for issuing the change in orders.

General McClellan informed the Viet Cong officer that he could not sign a document that blamed the South Vietnamese for the delay when he had no knowledge that this was the case. He noted that the aircraft were flown by American personnel and that possibly they were the reason for the delay, although he had no evidence of that either. The Viet Cong, however, insisted that the blame be placed on the South Vietnamese, and another equally offensive receipt statement was prepared by a Viet Cong interpreter. McClellan then made it clear to the Communist representative that he was authorized to do nothing more than sign a receipt for the prisoners. He noted that if he signed a statement, it would be one listing all the abuses, insults, and delays of the Viet Cong. After more discussion, the general agreed to sign a document that stated only the condition of the prisoners' health.

After verifying the accuracy of the prisoner list, General McClellan signed the receipt in two copies, keeping one for himself and returning one to the Viet Cong. At this point the Viet Cong official stated, "So that you will have a correct understanding, the delay was not due to our lack of good will." General McClellan curtly acknowledged that he heard the statement and ordered the helicopters to prepare to depart immediately. The 27 American prisoners arrived at Tan Son Nhut later that night for transfer to US Air Force evacuation aircraft for the first leg of their flight home. The first phase of the prisoner exchange was thus complete.<sup>9</sup>

Several days later, General Woodward was asked whether the principle that the return of American prisoners was tied only to troop withdrawals was now firmly enough established that there would be no hitches in the future. "There is no doubt," he replied, "but there is also no doubt in my mind that they [the Communists] will still do what they damn please."<sup>10</sup> He was right.

Members of the MACV and US Delegation staffs were hard pressed to understand why the Viet Cong had behaved as they did. In retrospect, several explanations are possible to account for whatever purpose—or lack thereof—the Viet Cong might have had. Tra and his comrades might have been trying to establish themselves, at least in the eyes of the watching public, as a viable and distinct political entity with goals and policies separate from those of the North Vietnamese. The affair might have been a carefully orchestrated combined effort by the North Vietnamese and Viet Cong to determine the extent to which they could provoke the United States before producing a violent and therefore measurable reaction. It might simply have been a ruse to obtain whatever propaganda value was



to be had from the sight of Viet Cong prisoners refusing to obey the orders of their South Vietnamese captors. Certainly, the story was carried by the wire services and the *Pacific Stars and Stripes* for 2 days running. Perhaps it represented the state of disarray into which the Viet Cong had fallen after years of hardship and major defeats; the local Viet Cong at Loc Ninh may have been unable to communicate with Tra. Perhaps they did not know about the special Kissinger-Tho understandings reached in Paris and operated on their own initiative until Tra's liaison officers arrived, then waited a time in order to save face. That seems likely as a single explanation, but a combination of many factors may have been at work.

Nonetheless, indications were that the North Vietnamese wanted to overcome the bad publicity caused by their Viet Cong comrades before they themselves made other moves. On 13 February, the US Delegation was notified that the North Vietnamese planned to release 20 American prisoners of war ahead of schedule as a gesture of good will in the wake of Kissinger's visit to Hanoi. Colonel Russell, the American delegate to the Prisoner-of-War Subcommittee, raised this matter in the meeting of 14 February. The North Vietnamese delegate said he knew of such a proposal but had no details to offer at that time. The following day, however, the North Vietnamese agreed to the American proposal that the release be effected on 17 February, providing Hanoi could complete the arrangements in time. As an alternative, they suggested that 18 February be the date.

The slowness in communications between the North Vietnamese delegation in Saigon and the decisionmakers in Hanoi prevented an early reply to the American proposals. At the meeting on 16 February, the North Vietnamese representatives told Colonel Russell they had received no information from Hanoi, but they assured him they would call a special meeting as soon as a reply was received. Later that evening, General Hoa, the North Vietnamese delegation chief, informed the American delegation that Hanoi had advised him the release date would be 18 February. Although some small last-minute changes occurred, the schedule set forth was for the Four-Party Commission and ICCS teams to arrive in Hanoi at 0900, the reception support element at 1000, and the evacuation aircraft at noon, Hanoi time.

When the ICCS and Four-Party teams from Saigon arrived in Hanoi, they were met at Gia Lam Airfield by North Vietnamese officials and briefed on the sequence of events for the return of the 20 American prisoners. According to the officials, the teams could visit the last place of detention, interview some of the prisoners, and observe the release proceedings.

But when the observation teams arrived at the Hao Lo prison, derisively called the Hanoi Hilton by its American inmates, who had not lost their sense of humor after years of incarceration, the camp commander announced that the American prisoners were refusing repatriation. After some discussion of this unexpected development, the American representatives on the Four-Party team requested a meeting with the representative of the US prisoners. Twenty minutes later, the prisoner spokesman, Navy Lieutenant Commander Pirie, was introduced. The American officer on the observer team presented his credentials and explained the nature of the release. Pirie responded that the terms of the Paris agreement were that those prisoners held in captivity longest would be released first; he reported that the prisoners intended to stand by the basic agreement. He also stated that the 20 prisoners scheduled to be released would leave only on orders from the senior American prisoner.

At this point, the chief of the American element of the Four-Party team asked the North Vietnamese to let him see the senior US prisoner, but the request was refused. Turning to Pirie again, the American observer repeated the terms of the release and asked that this information be conveyed to the senior US prisoner immediately. The North Vietnamese agreed to allow Pirie to meet with the prisoner and report the results to the Americans on the four-party team. When Pirie returned, he said the senior prisoner understood the terms of the release and had ordered the 20 captives scheduled for release to prepare for departure. The release procedures were completed by 1450, and the returnees boarded the evacuation aircraft, which left 15 minutes later.

When the 20 prisoners reached Clark Air Force Base in the Philippines, they reported they had initially refused repatriation because they suspected the North Vietnamese of trickery. The prisoners knew it was not yet time for the second increment of prisoners to be released, and they did not believe the North Vietnamese claim that their early return was intended as a good will gesture toward Henry Kissinger.<sup>11</sup>

Despite this expression of "good will" on the part of the North Vietnamese, the second phase of the prisoner release did not go smoothly. By the morning of 26 February, the hour had passed when the North Vietnamese and Viet Cong could provide the list and the details of the prisoners to be released and still provide the agreed 48 hours of advance notice. The day before, Colonel Russell had asked the other sides to provide the lists of prisoners to be released during the second phase as agreed on in previous subcommission meetings. The North Vietnamese and Viet Cong claimed not to have the information. They asserted that poor communications with Viet Cong units in the field and with the North Vietnamese leaders in

Hanoi were responsible. At this point Colonel Russell reiterated that the release of US prisoners was related only to the withdrawal of American troops and Free World Military Assistance Forces. He reminded them of the delay in the prisoner release at Loc Ninh on 12 February and pointed out that similar occurrences should be avoided in the second phase. The Viet Cong representative responded that Loc Ninh would not be used as a release site for American prisoners in the future.<sup>12</sup>

In the morning meetings of 26 February, the US Delegation continued to press the North Vietnamese and Viet Cong representatives for the prisoner lists. General Woodward reviewed the failures of the Viet Cong and the North Vietnamese to implement the protocol on the return of captured personnel and to abide by the agreement reached in the Prisoner-of-War Subcommittee. Reviewing the delay caused by the Viet Cong at Loc Ninh on 12 February, he pointed out that the Viet Cong had not allowed the joint teams to visit the last place of detention for the American prisoners. He also cited the failure of both parties to provide 48 hours of advance notice as agreed in the subcommittee meetings. The American chief delegate also observed that precise interpretation of Article 4 of the protocol would lead to the conclusion that the North Vietnamese and Viet Cong were in violation of it because 26 February was the 30th day, or the end of the second 15-day increment, since the signing of the agreement. The second phase of releases was not arranged, Woodward continued, despite the fact that over 54 percent of the force strength of the Americans and their free world allies had been withdrawn.

The ensuing debate became heated. Although the North Vietnamese and Viet Cong accused the Americans and South Vietnamese of thousands of cease-fire violations, of sabotaging the agreement, and of attacking their delegations, they would not address the issue of the second phase of American prisoner releases. In stronger terms than he had used during any previous meeting, General Woodward contemptuously rejected the Communist harangues as utterly false and compared them to the diatribes delivered by the North Koreans at Panmunjom. He characterized their statements as "useless, boring, and fit only for Radio Hanoi or Radio Liberation." He charged that the other sides were obviously intent on wasting time by turning the central commission meetings into a propaganda forum. The general concluded that the American delegation, while prepared to engage in serious discussions, was also prepared to engage in psychological warfare if this was the choice of the North Vietnamese and Viet Cong.<sup>13</sup>

The Prisoner-of-War Subcommittee was also meeting at the same time. The exchange at that meeting was more moderate but equally unproductive. The Communist sides failed to provide either lists or time and

place of release. Colonel Russell specifically asked the captors whether or not they were going to release American prisoners on 27 February as expected. Both parties refused to reply. Later, the North Vietnamese assured the American delegation that they would provide further information on the prisoner release by 1730 that afternoon.

In the promised telephone call at 1730, the North Vietnamese attempted to link the release of the American prisoners to the establishment of regular liaison flights between Saigon and Hanoi. Colonel Loi, the deputy chief of the North Vietnamese delegation, told the American deputy, General Wickham, that an officer had been sent to Hanoi on 12 February to help prepare for the second phase of the prisoner release. In order for the officer to return to Saigon with the prisoner information, the North Vietnamese delegation had asked the United States and South Vietnam to begin a regularly scheduled system of weekly liaison flights between Saigon and Hanoi, with the first flight to occur on 23 or 24 February. When submitting this request, however, the North Vietnamese had made no reference to the need for these flights in connection with prisoner releases nor had they raised the point in meetings of the Prisoner-of-War Subcommission. Therefore, in response to their request, the American delegation had proposed an interim solution using the C-130 support aircraft that would go to Hanoi in conjunction with the second phase of the prisoner release expected on 27 February. An alternative had been to use the regularly scheduled International Control Commission flight. Colonel Loi informed General Wickham that the ICC aircraft was being used, but that it would not leave Hanoi until 27 February and would not arrive in Saigon until 28 February. He assured General Wickham that North Vietnamese policy was to implement their pledges concerning prisoner releases, but, in their view the problem had become a technical one involving transport.

General Wickham reminded Loi that the North Vietnamese had not previously indicated the need for liaison flights in connection with the prisoner releases. He warned that the US Government would regard this delay in prisoner release as a serious policy matter, not a technical problem. General Wickham suggested that the North Vietnamese designate a time and place for prisoner release and provide the list at the site. Colonel Loi proposed that if the United States would regard the difficulty as a technical problem and agree to provide the requested liaison flights between Hanoi and Saigon, his delegation would communicate General Wickham's suggestion to Hanoi. But Wickham refused to accept this linkage of prisoner release to liaison flights and announced that the matter would be reported to Washington.

At the same time, the American delegation received reports that Radio Hanoi had just related the agreement on prisoner release to the issues of mine-clearing and base dismantlement as well as troop withdrawals. General Woodward suspected that the delay in the prisoner release represented a larger question than liaison flights, that it represented a scenario orchestrated from Hanoi. The timing of these obstructions so close to the International Conference on Vietnam in Paris was not likely to be coincidental. General Woodward informed Washington that he would offer to provide a C-130 aircraft to pick up the North Vietnamese liaison officer and the prisoner information in Hanoi on 27 February on the condition that this flight would be connected solely with prisoner matters. The matter of liaison flights, which was completely unrelated to the prisoner issue, would be addressed on 28 February during the next scheduled meeting of the Chiefs of Delegation. Ambassador Bunker concurred with this approach.

Later that evening, General Woodward made the proposal to General Hoa, the chief of the North Vietnamese delegation, but his efforts to break the impasse were of no avail. Hoa recited a long litany of complaints, linking all of these issues to the prisoner release. Hoa did say he would pass the proposal on to Hanoi, but he doubted that the liaison officer in Hanoi could be reached in time. General Woodward reported to Washington that the earliest the list and details of the release could be expected was 28 February.<sup>14</sup>

The next morning, Colonel Bui Tin, spokesman for the North Vietnamese delegation, added new conditions for the release of the second increment of American prisoners. He said the United States was "responsible for the total application of the agreement" and asserted that three main issues required resolution before the next group of American prisoners would be released. These points were the strict application of the cease-fire, the simultaneous return of civilian and military prisoners, and the guarantee of improved working conditions for the Four-Party Joint Military Commission.<sup>15</sup>

The reaction in Washington was rapid. The International Conference on Vietnam, then convening in Paris, was halted when Secretary of State William P. Rogers, acting on President Nixon's orders, refused to participate further in the work of the conference until the North Vietnamese accounted for the delay in releasing the prisoners. Concurrently, the President ordered that mine-clearing in North Vietnamese waters and American troop withdrawals from South Vietnam be halted.<sup>16</sup> The same day, White House Press Secretary Ron Ziegler released a statement applying other diplomatic pressures to resolve the issue. Ziegler reaffirmed that the "release of American prisoners is an unconditional obligation of the cease-

fire agreements." Noting that the United States did not accept linking the release to any other aspect of the agreement, Ziegler advised assembled newsmen that the "President has instructed the Secretary of State to demand clarification from the NVN [North Vietnam] delegation on a most urgent basis. He has instructed the Secretary to raise this subject with the North Vietnamese foreign minister as a matter of highest priority before other business is conducted at the conference."<sup>17</sup>

Meanwhile, in Saigon on the 27th of February, the North Vietnamese boycotted the meetings of the Prisoner-of-War Subcommittee, although the Viet Cong attended. When Colonel Russell asked the Viet Cong if they were going to release any prisoners that day, the response was that "because of the deadlock on the 'general situation,' PRG will not release any prisoners today." Attempts to reschedule a meeting of the full subcommittee for later that afternoon failed when, half an hour before the stated meeting time, the North Vietnamese announced that they did not intend to be present.<sup>18</sup>

The following day, North Vietnamese resistance to American pressure began to weaken. In a private meeting between Secretary Rogers and Hanoi's Foreign Minister Nguyen Duy Trinh, the North Vietnamese official assured the Americans that his government intended to carry out fully the terms of the Paris agreement on prisoners, releasing all of them within the 60 days established in the agreement. Admitting that the second increment of prisoner releases was due that week, he informed Secretary Rogers that the matter would be discussed at once in the Joint Military Commission in order to work out the detailed arrangements. Press Secretary Ziegler released the news of this breakthrough to the press, adding that the President had directed the Secretary of State to proceed with the other work of the conference only after the arrangements for the prisoner release were completed.<sup>19</sup>

In Saigon, General Woodward continued to stress the urgency of the situation to the North Vietnamese delegation. He emphasized Ziegler's press statement of 27 February and pointed out the discrepancy between the North Vietnamese claim that they were implementing the agreement and their failure to release the second increment of prisoners.<sup>20</sup> At the meetings of the Prisoner-of-War Subcommittee, the North Vietnamese and Viet Cong had not produced the necessary information for the release of the prisoners. The US representatives agreed to a meeting on 1 March only if the two culpable parties had received instructions by then to discuss the release of the American prisoners.<sup>21</sup>

Acting on instructions from Washington, General Woodward requested a special meeting of the Chiefs of Delegation on 1 March to obtain

details on the US prisoner release. Although the North Vietnamese and Viet Cong agreed that the release of American prisoners was not linked to such issues as freedom of movement and diplomatic immunities and privileges, both made statements implying such a connection. Under prodding from General Woodward, however, both Hoa and Tra agreed that detailed arrangements for the second phase of prisoner releases would be discussed at the Prisoner-of-War Subcommittee meeting that afternoon. At the same time, Woodward was able to force a modification of earlier statements by the North Vietnamese and Viet Cong chiefs that tried to tie the return of the American prisoners to other issues.<sup>22</sup>

Although the impasse seemed to be broken, the American delegation still encountered attempts by the North Vietnamese and Viet Cong to delay and harass. At the subcommittee meeting following the chiefs' meeting, the captors said they were neither authorized nor prepared to give the date of release and the list of returnees for the second increment. Dropping bits and pieces of information, the North Vietnamese representative informed Colonel Russell that 108 prisoners would be released at Gia Lam Airfield, but added that he was awaiting additional data before he could provide the lists and the date of release. The Viet Cong representative indicated his side would release 26 American military and 4 civilian prisoners in addition to 2 Germans and 2 Filipinos. He also said he was only "80 percent" certain that the place of release would be Gia Lam; he too needed to await more information until he was sure and could likewise provide the list. At this point, the North Vietnamese volunteered the information that they would release the list at a meeting with Colonel Russell at 2100 that night, but that the date and time of the release remained unknown.<sup>23</sup>

Tiring of these delaying tactics, the White House transmitted instructions for General Woodward to inform the Communists during the chiefs' meeting of 2 March that the United States would not sign the final act of the International Conference on Vietnam until the release date for the American prisoners was furnished. General Woodward advised the two Communist delegates that the information was needed by 1800 hours that evening to allow time for transmission to Paris. Hoa and Tra acknowledged that they understood the American position and indicated that the release date would be discussed in the subcommittee meeting that day.<sup>24</sup>

Despite the assurances given General Woodward by their chiefs, the North Vietnamese and Viet Cong representatives continued their delaying tactics in the subcommittee meeting. Although the dates of release were discussed, no information was forthcoming. Colonel Russell proposed that all of the prisoners in the second increment be released at Gia Lam on

3 March. Tipping his hand that he might already possess the data, the North Vietnamese delegate proposed that the release take place on 4 March, but added that he would communicate this to Hanoi and ask for additional guidance. Continuing the tactic of providing the prisoner release information in small pieces, the Viet Cong delegate produced a list of the prisoners to be released by his party and stated that the place of release was confirmed as Gia Lam; the date of release, however, was not given. Later that day, the North Vietnamese telephoned the American delegation to say they would release the prisoners held by them on 4 March. This information was received only minutes before the 1800 deadline set by General Woodward.<sup>25</sup>

At about the same time that the North Vietnamese called to give their release date, the Viet Cong requested a special meeting with the American representatives. In a coordinated move seemingly designed to keep the United States off balance on the prisoner release issue, the Viet Cong offered little information at the meeting except that the release of their American prisoners would not be on 4 March. They refused, however, to give the date of release. They said they were awaiting instructions from their Chief of Delegation and might receive them that night or the next morning. This ploy appeared designed either to place the United States in an uncooperative position in Paris or to establish Viet Cong independence from Hanoi.<sup>26</sup>

The following morning, the Viet Cong announced during the delegation meetings in Saigon that they would release the second increment of American prisoners on 5 March. The details were immediately discussed in the meeting of the Prisoner-of-War Subcommittee. The deadlock had been finally broken, but not before a tense period of several days had passed.<sup>27</sup>

The mechanics of the actual releases on 4 and 5 March were similar to those followed for the release of the 20 prisoners on 18 February. There were several exceptions of note, however. On the first day, when the Four-Party Commission and ICCS teams moved to the last place of detention at Hao Lo Prison, they were accompanied by large numbers of foreign correspondents, even though the camp commander had briefed them that only the inspection team members would be allowed to visit. When the teams and their North Vietnamese escorts reached the cell area, the American prisoners refused to let anyone enter until the provisions of the protocol were strictly met according to the prisoners' interpretation, that is, only the commission and ICCS teams were to visit. At this juncture, the American representative suggested to his North Vietnamese counterpart and to the ICCS that the press be removed so that the visit could proceed. The camp



commander agreed and ordered the newsmen from the area. The prisoners then allowed one member of the ICCS, the Hungarian representative, one member of each of the Vietnamese parties with the commission team, and all members of the US team to enter. The observers were allowed to visit all of the prisoners who were detained in the three large cells in the area. The observers informed them that their release would occur in a few hours.

When the inspection team entered the first cell, one prisoner advised the senior American representative present that several prisoners from the South were in another cell. One of them, he said, Floyd James Thompson, had been captured in 1964 but was not on the list of those scheduled to be released by the Viet Cong on 5 March. The prisoner was concerned that the terms of the protocol requiring release in the order of those held captive longest were being violated. But the American observers did not allow this information to hold up the release, already delayed for several days, and the last evacuation aircraft departed Gia Lam early in the afternoon.

This release was unique in the insistence of the captives on strict adherence to the terms of the relevant protocol as the prisoners themselves understood them. Distrustful of the North Vietnamese after their long years of captivity and harsh, often brutal, treatment, they wanted to prevent anything over which they had control—such as the newsmen interfering with the initial procedures of the supervisory teams—from complicating matters on their long-awaited day of freedom. At the same time, they were also concerned that those prisoners held longest be returned earliest. Isolated from contacts with the outside world, the captives did not understand the technical details relating to the prisoner lists handed over in Paris by the Communists. Nor did they know about the extraordinary circumstances surrounding their particular release. A prisoner named Thompson (Dennis L.) was in fact released the next day by the Viet Cong. Floyd James Thompson was freed in the next increment 12 days later.<sup>28</sup>

The prisoner release the following day took place smoothly. The camp commander did not allow newsmen to follow the observer teams, and the evacuation aircraft departed Gia Lam with the returnees at 1400, Hanoi time.<sup>29</sup>

During the last stages of the negotiations in Saigon for the release of the second increment of prisoners, General Woodward began to suspect that the North Vietnamese and Viet Cong might try to link the release of American prisoners during the third phase with the early-March impasse between the Viet Cong and South Vietnamese over the release of Vietnamese prisoners. "It is apparent that RVN must acknowledge its obligation to release at least one-fourth of PRG PWs in Phase II before arrangements for Phase III release of US PWs can be discussed in pro-

ductive manner by PW Subcommittee," he cabled to Washington on 5 March. "US authorities in Saigon are taking action at various levels with RVN authorities to include Prime Minister, who has reportedly expressed profound concern of US to President Thieu," he reported. "However, to date no change in position of RVN has been forthcoming; in fact, it is our understanding that President Thieu becomes angry whenever issue is raised."<sup>30</sup>

Thieu was upset because he believed the Americans were now concerned only with the return of their own prisoners and not with the return of the South Vietnamese. Nevertheless, under extreme pressure direct from Bunker, and indirectly from Weyand, Woodward, and Wickham through their informal channels, Thieu yielded enough to avoid a confrontation with the North Vietnamese and Viet Cong during the third phase of prisoner releases. In fact, the exchange of the Vietnamese prisoners on the Paris lists was completed by 25 March.<sup>31</sup>

In comparison to the first two releases of American prisoners, the third exchange was a model of smoothness. On 11 March, 3 days before the deadline for the release of the third 15-day increment, the North Vietnamese informed the American delegation that the list of prisoners scheduled for return would be provided the following day and the release would take place in Hanoi on 14 March. The Viet Cong assured the US Delegation that they would provide their list in the near future. During the meeting of the Prisoner-of-War Subcommittee, the Viet Cong member stated that he would provide the list on 13 March, but did not give a date for the release.<sup>32</sup>

The lists were delivered as promised. The Viet Cong set the date for release of their prisoners as 16 March, 2 days after the North Vietnamese release. In general, the release procedures on both days followed those of the earlier returns from Hanoi. Communication between the prisoners and the Four-Party Commission observer team was more restricted than in the past, but this did not hamper the release operation on either day. The North Vietnamese released 108 American prisoners on 14 March, and the Viet Cong released 32 on 16 March.<sup>33</sup>

Although the smooth operation of the American prisoner releases in the third increment augured well for the final phase, US hopes proved unjustified. Several issues hampered the operation. These included the release of the 10 prisoners held by the Pathet Lao, the retention of Marine guards at the American Embassy in Saigon, and the proposed extension of the Four-Party Joint Military Commission.

The question of the release of the American prisoners captured in Laos was complicated. During the negotiations leading to the Paris agree-

ment, the North Vietnamese had given assurances that all American military and civilian persons detained in Laos would be released no later than 60 days following the signing of the agreement. But this understanding, technically outside the agreement's purview, was not incorporated into the formal document itself. The North Vietnamese also had assured the American negotiators that Hanoi would be responsible for making the necessary arrangements with the Pathet Lao. Drawing on those assurances, Kissinger had announced during his press conference on 24 January that these prisoners would be returned in Hanoi.

The list of prisoners furnished by the North Vietnamese on 27 January in Paris did not contain the names of those captured in Laos, however, and the following day, the United States protested this omission at a meeting with the North Vietnamese. On 1 February, the delegates from Hanoi provided a list of the 10 prisoners captured in Laos—7 American servicemen, 2 American civilians, and 1 Canadian civilian. The United States considered this list to be a supplement to those exchanged on 27 January and therefore subject to the prisoner exchange provisions of the Paris agreement.

Although the US Delegation was not instructed to negotiate the release of the Laotian prisoners, General Woodward was aware of the understanding between Kissinger and Le Duc Tho. He had anticipated that the release of the prisoners held by the Pathet Lao would be arranged by the North Vietnamese, and had based his reports of the numbers to be released on the combined total of the 27 January and 1 February lists. This assumption concerning the prisoners under Pathet Lao control was reinforced by the Laotian agreement of 21 February on "The Restoration of Peace and Reconciliation in Laos" between the Royal Laotian Government and the Pathet Lao, and by the continuing negotiations in Vientiane. The agreement provided that the methods of prisoner exchange should be worked out by a joint commission of the two Laotian parties—a task, however, that had not been accomplished by the end of March.

At the Prisoner-of-War Subcommittee meeting on 19 March, the American delegate inquired whether the 10 captives on the 1 February supplemental list would be returned at Gia Lam Airfield. The North Vietnamese responded that they had no authority to discuss the release of prisoners captured in Laos. During a coffeebreak, the Hanoi delegate approached the American representative and told him that the Pathet Lao were responsible for negotiating with the US Government the release of any American prisoners detained by them.

The following day, General Weyand cabled Admiral Moorer, Chairman of the Joint Chiefs of Staff, that the US Delegation had been oper-

ating on the assumption that the North Vietnamese would release the American prisoners captured in Laos, and he reported the latest developments. General Weyand asked Admiral Moorer to take action to clarify the understanding between Kissinger and Tho to insure release of the Laotian prisoners by 28 March.

Meanwhile, Ambassador McMurtrie Godley reported from Vientiane that the Pathet Lao had stated that North Vietnamese and American actions were not Pathet Lao concerns. The Laotian Communist position was that the question of prisoners taken in Laos was to be resolved by the Lao themselves and could not be negotiated by outside parties. In a separate cable, the Ambassador reported that efforts were being made in Laos to obtain names and place of release for the prisoners of the Pathet Lao.

The North Vietnamese presented a proposal the next day to return all of the prisoners held in Hanoi on 25 March, including those held by the Viet Cong, on the condition that all American and other Free World Military Assistance Forces were withdrawn by the end of that day. Theoretically, 25 March was the last day for the 60-day clock to count down. The US Delegation agreed in writing to this proposal on the condition that the prisoner lists be handed over the next morning and that the North Vietnamese and Viet Cong release all remaining US prisoners on 24-25 March. At the regular Prisoner-of-War Subcommittee meeting that day, Colonel Russell did not press the issue of the prisoners held by the Pathet Lao in view of the information received from Ambassador Godley the day before. Ambassador Godley had cabled his understanding that the 10 Americans captured in Laos were in Hanoi. He asked to be informed if the names of these men were on the list to be furnished by the Communist delegations, and he suggested that clarification should be sought if they were not.<sup>34</sup> At a subsequent meeting between the United States and North Vietnamese delegations on 21 March, the North Vietnamese told the Americans they would arrange with the Pathet Lao for the release of the US prisoners captured in Laos. This information was relayed to Washington.<sup>35</sup>

Included in the American response to the North Vietnamese prisoner release proposals of 21 March was a plan for the withdrawal of the remaining American and other Free World Military Assistance forces (FWMAF). In addition, the US Delegation provided a recapitulation of American military personnel scheduled to remain in South Vietnam after the redeployment was completed. According to plans at that time, 825 US military personnel would remain behind with the US Delegation to the Four-Party Joint Military Commission (50 of whom would serve in the

newly established Defense Attaché's Office) and 159 Marine guards and other security personnel would remain at the Embassy in Saigon.

During the night, new instructions received from the Joint Chiefs of Staff superseded this American response. The new US position was that the withdrawal of the American forces would be completed in accordance with the terms of the Paris agreement concurrent with the release of *all* US prisoners throughout Indochina. The withdrawal would begin after the United States had received a list of all remaining prisoners, including those held by the Pathet Lao, as well as the date, time, and place of release for all. Finally, the withdrawal would not resume until the first group of prisoners was physically transferred to American custody. This information was relayed to the Viet Cong and North Vietnamese delegations in the morning.

In the same letter, the US Delegation provided a new redeployment plan based on the assumption that the first prisoner release would be made on 25 March. Redeployment was scheduled to take place between the 25th and 28th of March. The US Delegation asked the North Vietnamese and Viet Cong to respond by midmorning of 23 March so that an airlift for the redeployment of American and FWMAF could be arranged.

Both the North Vietnamese and Viet Cong responded to the new American position later that day and both protested the shift in the stance of the United States. The Viet Cong objected to the requirement for the release of the captives of the Pathet Lao, the change in redeployment schedules, and the size of the Embassy guard. They also stated they would delay the delivery of the list of prisoners to be released in the final phase. The North Vietnamese argued that the release of the Americans captured in Laos did not fall under the terms of the Paris agreement and again demanded that the United States withdraw all of its forces by the end of the stated 60-day period.

Meanwhile, efforts to release the Laotian prisoners by working through the Laotian joint commission had halted. Ambassador Godley cabled on 24 March that military negotiations on a draft protocol that would include provisions for releasing prisoners were at a complete standstill. The Ambassador had no indication when new developments could be expected. He felt the United States must continue to emphasize that the American prisoners of war captured in Laos, whose names were on the North Vietnamese Paris list, must be returned under the provisions of the Paris agreement and related understandings rather than under the terms of the Laos agreement.<sup>36</sup>

The same day that efforts in Vientiane failed to secure the release of the prisoners of the Pathet Lao, the Viet Cong provided the US Delegation

in Saigon with a list of 33 prisoners to be released on the 25th and 26th of March. One Korean soldier was to be returned the first day at Duc Pho (this was carried out), and the remaining Americans were to be returned the following day at Gia Lam. In return, the Viet Cong demanded that the remaining troop redeployments begin on 26 March and be completed by 28 March; that the US Delegation to the Four-Party Commission be withdrawn before 0800 on 29 March; that the 159 members of the Embassy security detachment be withdrawn; and that the United States provide a detailed withdrawal plan so that troop redeployment could be observed by the Four-Party Commission.<sup>37</sup>

At the same time, the North Vietnamese stated that the question of American military prisoners in Laos was wholly beyond the jurisdiction of the Paris agreement. They did, however, provide a plan for the release of the remaining prisoners captured in North Vietnam; 40 were to be released on 27 March and 67 on 28 March. The total of 107 indicated that the prisoners held captive by the Pathet Lao were not on the list. The North Vietnamese promised to furnish each list 48 hours in advance of the scheduled time of release. They demanded that the United States complete the troop withdrawal by 28 March and protested the plan for retaining 159 Embassy guards. The delegation from Hanoi served notice that it planned to end its activities on the morning of 28 March and they presented a plan redeploying their personnel between the 25th and 28th of March. They requested information prior to 28 March on the redeployment of the American delegation.

The US Delegation responded later that day with a redeployment plan for 26-28 March that did not include the delegation itself or the Embassy security guard. The United States took the position that redeployment of the North Vietnamese and American delegations was a matter for discussion by the Chiefs of Delegation, and in no case should it occur before 29 March. The letter noted that the Embassy guard was in keeping with normal diplomatic privileges and had been accepted in principle during the negotiations in Paris. The delegation repeated its request for lists, dates, and place of release for all prisoners, including those taken by the Pathet Lao, and stipulated that the release date for all Americans held prisoner must be not later than 28 March. It requested replies from the Communist delegations not later than 2100 hours on 25 March so that arrangements could be made for the necessary aircraft to carry out the redeployment of forces.

In the meantime, the American position had shifted so that there was no objection to the participation of the Pathet Lao in the release of prisoners taken by them. Nor had the United States specified a location for the

release of the captives held by the Laotians. Nonetheless, the Americans insisted that they be released not later than 28 March.

On 25 March, the North Vietnamese rejected the American position that the redeployment of troops was dependent on the release of the prisoners of the Pathet Lao, and they renewed their demand that the United States complete the withdrawal of all its forces, including the Embassy security detachment, by 28 March. Later that day the North Vietnamese informed the American delegation that they intended to release 40 prisoners on 27 March and 67 on 28 March at Gia Lam—the list was delivered to the Americans that night. In return, the Hanoi delegation requested a specific departure schedule for the troop withdrawal plan proposed by the United States so that the necessary arrangements could be made for the prisoner returns.

On the same day, the Viet Cong asked for additional details on the proposed redeployment plan so that the departures could be observed by the Four-Party Joint Military Commission. They said they would follow the release plan specified in their letter of 22 March. (This was evidently an error; their letter had set the date of release as 24 March, the day before.) The Viet Cong restated their position that the American redeployment was linked only with the return of American prisoners captured in Vietnam. They emphasized that the return of American prisoners in Laos was a matter of Laotian sovereignty and was not under the jurisdiction of the Four-Party Joint Military Commission.

In swift response, the United States noted that the North Vietnamese had failed to provide the date and place of release of the Americans on the 1 February list of captives held by the Pathet Lao. General Woodward advised General Hoa that unless this information was received, the United States could not provide assurances that the proposed troop redeployment plan for 26–28 March would be carried out.<sup>38</sup>

Acting on instructions received over the telephone from the Military Assistant to the Chairman of the Joint Chiefs of Staff, General Woodward met privately with General Hoa in the early afternoon of 26 March following the meeting of the Chiefs of Delegation. His purpose was to insure that the North Vietnamese understood President Nixon's position on the release of American prisoners and to ascertain what Hanoi might suggest as possible actions by the United States, such as discussions with the Pathet Lao. General Woodward explained that no further withdrawals of American and allied forces would occur until firm information on the date, time, and place of release of the prisoners held by the Pathet Lao had been furnished. He emphasized that this release must occur by 28 March and that the Four-Party Commission would remain in being until the prisoner

releases and troop withdrawals were completed. In addition, the American chief explained the Kissinger-Tho understanding on the prisoners held by the Pathet Lao.

General Hoa departed from the rhetoric that had characterized many plenary sessions of the delegation chiefs. He frankly responded that Hanoi was negotiating with the Pathet Lao, and he frankly admitted that the North Vietnamese fully understood and accepted Le Duc Tho's understanding with Kissinger. Although the North Vietnamese delegation had asked for instructions from Hanoi, they had received no answer. One problem was the poor communications with the Pathet Lao. Hoa urged the American government to trust Hanoi; he assured General Woodward that the North Vietnamese negotiations with the Pathet Lao would be successful. He asked that the United States not link troop withdrawals to the release of the Laotian prisoners, arguing that this could not be justified by the language of the treaty and, furthermore, would infringe on the sovereignty of the Pathet Lao.

General Woodward in turn proposed that they agree on American troop withdrawals for the period 27 to 29 March, with the withdrawal of the US and North Vietnamese delegations on 30 and 31 March. During the same 3 days, Hanoi would arrange the release of all of the remaining prisoners, including those taken in Laos. By agreeing to such a schedule, Woodward observed, there would be no overt linkage.

General Hoa promised to report this proposal to Hanoi but informed General Woodward he could not agree until he had received a reply from Hanoi. He reassured the American delegate that the United States could be certain of success for the release of the prisoners held by the Pathet Lao "in a few days." When General Woodward asked him to define "a few" as perhaps two or three, Hoa became vague; he had no definite information from Hanoi. He also told Woodward that no purpose would be served by an American visit to the Pathet Lao before Hanoi had responded.

General Woodward then raised the question of the 159 Embassy security personnel; he did not want this to become a last-minute stumbling block. Hoa replied that the North Vietnamese did not understand why these servicemen should not be considered as part of the American military forces in South Vietnam. General Woodward explained that these men were like other members of the Embassy and were not under MACV command. Hoa skeptically argued that the only American military personnel discussed in Paris during the negotiations were the 50 members of the Defense Attaché's office. When the discussion ended, General Woodward still feared that the Embassy guards were a potential problem, should Hanoi wish to find one, despite the Kissinger-Tho understanding in Paris.<sup>39</sup>



Meanwhile, the strong stand taken by the United States on the prisoners held by the Pathet Lao, along with its exertion of pressure—for example, its adamant refusal to withdraw until Hanoi provided firm information on the release of these captives—crumbled North Vietnamese opposition to their early return. In addition, the alleged communication problem with Hanoi and the Pathet Lao seemed to have been solved. On the evening of 26 March, the North Vietnamese delegation informed General Woodward that the basic American demand would be met.

The breakthrough meeting occurred at the request of the North Vietnamese and was marked by cordiality on both sides. The two delegation chiefs met privately, and General Hoa informed General Woodward that the Pathet Lao had agreed to return nine Americans and one Canadian at Gia Lam on the morning of March 28. To maintain the appearance that this was the result of negotiations between the United States and the Pathet Lao, and not part of the Paris agreement on Vietnam, observers from the ICCS and the Four-Party Commission would not participate. Only the American reception team and the Pathet Lao representatives would be present. The US reception team would have to provide its own Laotian interpreter. In addition, the Viet Cong would turn over 32 American prisoners during the afternoon of 27 March; the North Vietnamese would return 40 prisoners on the afternoon of 28 March and 67 on 29 March. Each release would be at Gia Lam.

General Hoa then asked that the United States redeploy its remaining forces on 27, 28, and 29 March. General Woodward agreed that the Americans would provide a schedule of withdrawals together with the place, times, and numbers, so that the teams from the ICCS and Four-Party Commission could observe. No objections were made to the Embassy security detachment.

The two generals addressed many issues during their private meeting. Raising the subject of the termination of the Four-Party Joint Military Commission, General Hoa stated that his instructions called for termination of his delegation's activities and its return to Hanoi on 30 and 31 March. He requested American support for redeployment of the North Vietnamese from the seven regions to Hanoi. Hoa also asked that the US Delegation withdraw from South Vietnam during the same period.

At this point, General Woodward told the North Vietnamese in confidence that the United States and the South Vietnamese might present a proposal in Paris to extend the commission for a period of 20 days in order

to avoid potential problems with the prisoner release and troop redeployment plans. General Hoa repeated that his instructions were to redeploy on 30-31 March. He noted that any proposal for extending the commission would require settlement at the governmental level by the four parties because the commission itself had no authority to negotiate such an arrangement.

In connection with the redeployment of the North Vietnamese and American delegations, Hoa asked for American support in bringing the Viet Cong contingents from the regions to Saigon. This would place the entire Viet Cong delegation in the capital city in preparation for their participation in the Two-Party Joint Military Commission with the South Vietnamese.

Hanoi also wanted to leave 30 personnel in Saigon after the departure of the Four-Party Commission to serve on the Four-Party Joint Military Team dealing with personnel missing in action. On the subject of a separate North Vietnamese proposal for a liaison mission to the ICCS, General Woodward noted that the South Vietnamese objected; as an alternative, North Vietnamese members of the Four-Party Joint Military Team could carry out this function. As a final point, the North Vietnamese urged the Americans to encourage the South Vietnamese to expedite the release of the remaining prisoners, particularly the civilian detainees.<sup>40</sup>

With the impasse broken, the prisoners were returned and the troop withdrawals completed as agreed by Generals Woodward and Hoa. The two prime tasks of the US Delegation were thus successfully accomplished.

The entire experience indicated that only when the primary interests of the United States were at stake could the North Vietnamese and Viet Cong be prodded to comply with the agreement. Despite Le Duc Tho's assurances to Kissinger, the Communists on several occasions used the prisoners of war as pawns to test the resolve of the Americans or to attempt to gain an advantage. Vigorous action, including the implied threat of force, by the appropriate officials—from General Woodward in Saigon to Admiral Moorer in Washington—was required to force Hanoi to honor its Paris agreement commitments in this regard. Where the interests of the United States were relatively less threatened, as in the remaining provisions of the agreement, the Communists made at best token gestures of cooperation; they realized that the Americans would not react decisively.

### Chapter 4. Notes

1. Kissinger, *White House Years*, p. 1489.
2. Message, CH USDEL FPJMC to COMUSMACV, 031510Z February 1973, Subject: US Delegation, Joint Military Commission Daily OPSUM, WNRC 319-79-051, Box 29, folder 6.
3. Message, CH USDEL FPJMC to COMUSMACV, 041750Z February 1973, Subject: US Delegation, Joint Military Commission Daily OPSUM, WNRC 319-79-051, Box 29, folder 6.
4. Message, CH USDEL FPJMC to COMUSMACV, 071825Z February 1973, Subject: Summary of Fifth Meeting to the Subcommittee on PW, FPJMC, 7 February 1973, WNRC 319-79-051, Box 20, folder 2.
5. Message, CH USDEL FPJMC to COMUSMACV, 101815Z February 1973, Subject: Summary of Eighth Meeting of the Subcommittee on PW, FPJMC, 10 February 1973, WNRC 319-79-051, Box 20, folder 2.
6. Memorandum, Maj. John T. Thompson and Maj. James R. Crinan, 14 February 1973, Subject: Report of Return of US PW Activities at Hanoi (Gia Lam Airfield), 12 February 1973, and Report, Maj. John T. Thompson and Maj. James R. Crinan, Subject: US PW Return Observation After-Action Report, both in WNRC 319-79-051, Box 31, folder 5; Final Report, Annex C. From discussions with, and briefings by, returned American prisoners, I have determined that such treatment, facilities, and schedules were not typical. For the most part, the prisoners were treated severely, even brutally at times. Torture was common practice. Only in the weeks preceding their release was a schedule followed similar to the one provided by the North Vietnamese. (Notes taken at prisoner-of-war panel, 5 March 1980, National Defense University.)
7. Report, Lt. Col. Francis L. Brokaw, 12 February 1973, Subject: US PW Return Observation After-Action Report, WNRC 319-74-051, Box 31, folder 5; Final Report, Annex C.
8. *Stars and Stripes* (Pacific Edition), Wednesday, 14 February 1973, p. 6.
9. Message, CH USDEL FPJMC 121725Z February 1973, Subject: Summary of US DEL, FPJMC, 12 February 1973, WNRC 319-74-051, Box 29, folder 6; Draft PW Liaison Division After-Action Report, WNRC 319-74-051, Box 31, folder 5; Final Report, Annex C.
10. *Stars and Stripes* (Pacific Edition), Tuesday, 13 February 1973, pp. 1, 24, and Wednesday, 14 February 1973, p. 6, contain Associated Press and United Press International stories; Woodward interview.
11. *Stars and Stripes* (Pacific Edition), Wednesday, 14 February 1973, p. 9, Final Report, Annex C.

12. Message, CH USDEL FPJMC to COMUSMACV, 251510Z February 1973, Subject: Summary of US DEL, FPJMC, 25 February 1973, WNRC 319-74-051, Box 29, folder 6.

13. Message, CH USDEL FPJMC to COMUSMACV, 216415Z February 1973, Subject: Summary of US DEL, FPJMC, 26 February 1973, WNRC 319-74-051, Box 29, folder 6.

14. Message, CH USDEL FPJMC to COMUSMACV, 261255Z February 1973, Subject: US POW Release Spot Report Number Two, WNRC 319-74-051, Box 18, folder 15; Final Report, Annex C. Sauvageot believed the North Vietnamese were attempting to link liaison flights to prisoner return, but that the interplay was more complex. The United States had already been providing liaison flights, but wanted the South Vietnamese to assume that responsibility as part of the effort to engage Saigon more fully in the process of implementing the agreement while permitting the Americans to disengage. When the United States abruptly announced that it would terminate its flights, Sauvageot feared that the Americans were offering the Vietnamese Communists an unnecessary opening for propaganda purposes; with only slight modification, an accusation that the United States was causing the delay in the prisoner releases could seem plausible. When Woodward sought to break the impasse by offering the American C-130 flight, Sauvageot interpreted for the American chief of delegation. He recalled that Hoa had welcomed the offer, but that his courier, without the needed information, had already departed Hanoi on the ICCS flight; the Americans could fly into Hanoi if they wished, but the two aircraft would pass each other in the Southeast Asian skies. When Woodward persisted in accusing Hoa of refusing the flight, Hoa categorically stated that he was not refusing, only pointing out that it was too late to be of any use. Sauvageot commentary.

15. Final Report, Annex C.

16. *Stars and Stripes* (Pacific Edition), Thursday, 1 March 1973, p. 1, and Friday, 2 March 1973, p. 1.

17. *Weekly Compilation of Presidential Documents*, Vol. 9, No. 9 (5 March 1973), p. 193.

18. Message, CH USDEL FPJMC to COMUSMACV, 271255Z February 1973, Subject: Summary of US DEL, FPJMC, 27 February 1973, WNRC 319-74-051, Box 29, folder 6.

19. Final Report, Annex C.

20. Message, CH USDEL FPJMC to COMUSMACV, 281025Z February 1973, Subject: Summary of Central FPJMC Meeting, 28 February 1973, WNRC 319-74-051, Box 29, folder 6.

21. Message, CH USDEL FPJMC to COMUSMACV, 281310Z February 1973, Subject: Summary of US DEL, FPJMC, 28 February 1973, WNRC 319-74-051, Box 29, folder 6.

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22. Message, CH USDEL FPJMC to COMUSMACV, 011145Z March 1973, Subject: Summary of Central FPJMC Meeting, 1 March 1973, WNRC 319-74-051, Box 18, folder 19.
23. Message, CH USDEL FPJMC to COMUSMACV, 011530Z March 1973, Subject: Summary of US DEL, FPJMC, 1 March 1973, WNRC 319-74-051, Box 29, folder 6.
24. Message, CH USDEL FPJMC to COMUSMACV, 021000Z March 1973, Subject: Central FPJMC Meeting, 2 March 1973, WNRC 319-74-051, Box 18, folder 19.
25. Message, CH USDEL FPJMC to COMUSMACV, 021530Z March 1973, Subject: Summary of US DEL, FPJMC, 2 March 1973, WNRC 319-74-051, Box 29, folder 6.
26. Message, CH USDEL FPJMC to COMUSMACV, 021045Z March 1973, Subject: PW Release 2 March Spot Report Number Two, WNRC 319-74-051, Box 29, folder 9.
27. Final Report, Annex C.
28. Message, CH USDEL FPJMC to COMUSMACV, 051105Z March 1973, Subject: Homecoming, WNRC 319-74-051, Box 29, folder 9; *Stars and Stripes* (Pacific Edition), Wednesday, 7 March 1973, p. 5, and Thursday, 15 March 1973, p. 24.
29. Message, CH USDEL FPJMC to COMUSMACV, 051510Z March 1973, WNRC 319-74-051, Box 29, folder 9.
30. Message, CH USDEL FPJMC to COMUSMACV, 051055Z March 1973, Subject: Central FPJMC Meeting, 5 March 1973, WNRC 319-74-051, Box 18, folder 19.
31. Talker, FPJMCOP, 26 March 1973, Subject: Release of PWs, WNRC 319-74-051, Box 29, folder 3.
32. Message, CH USDEL FPJMC to COMUSMACV, 111435Z March 1973, Subject: Phase III PW Spot Report Number One (11 March), WNRC 319-74-051, Box 29, folder 9.
33. Message, CH USDEL FPJMC to COMUSMACV, 141510Z March 1973, Subject: Summary of Events of the US PW Release in Hanoi, RVN, 14 March 1973, and Message, CH USDEL FPJMC to COMUSMACV, 161330Z March 1973, Subject: Homecoming, both in WNRC 319-74-051, Box 29, folder 9.
34. Message, CH USDEL FPJMC to COMUSMACV, 211210Z March 1973, Subject: Summary of US DEL, FPJMC, 21 March 1973, WNRC 319-74-051, Box 29, folder 6; Final Report, Annex C.
35. Message, CH USDEL FPJMC to SECDEF et al., 211215Z March 1973, Subject: Homecoming (PW Spot Report Number Two—21 March), WNRC 319-74-051, Box 29, folder 9.
36. Final Report, Annex C.

37. Message, COMUSMACV to CJCS, 241040Z March 1973, Subject: US Redeployment—PW Release, WNRC 319-74-051, Box 20, folder 2.
38. Fact Sheet on US PW Releases, FPJMCOP, 27 March 1973, WNRC 319-79-051, Box 20, folder 36.
39. Message, CH USDEL FPJMC to COMUSMACV, 260905Z March 1973, Subject: Report on US-DRV Chiefs' Meeting, WNRC 319-79-051, Box 20, folder 36.
40. Message, CH USDEL FPJMC to COMUSMACV, 261545Z March 1973, Subject: US PW Release—US Troop Withdrawal (Spot Report on 2130 hours, 26 March Meeting between US and DRV Chiefs of DEL, FPJMC), WNRC 319-79-051, Box 20, folder 36.



Key members, US Delegation, Four-Party Joint Military Commission, in front of MACV Headquarters Building

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US Delegation Principals, Four-Party Joint Military Commission. Left to right: Colonel B.H. Russell, Colonel Ralph Detherow, Brigadier General John A. Wickman, Jr., Colonel George T. Balzer, Major General Gilbert H. Woodward, Colonel Edward C. O'Connor





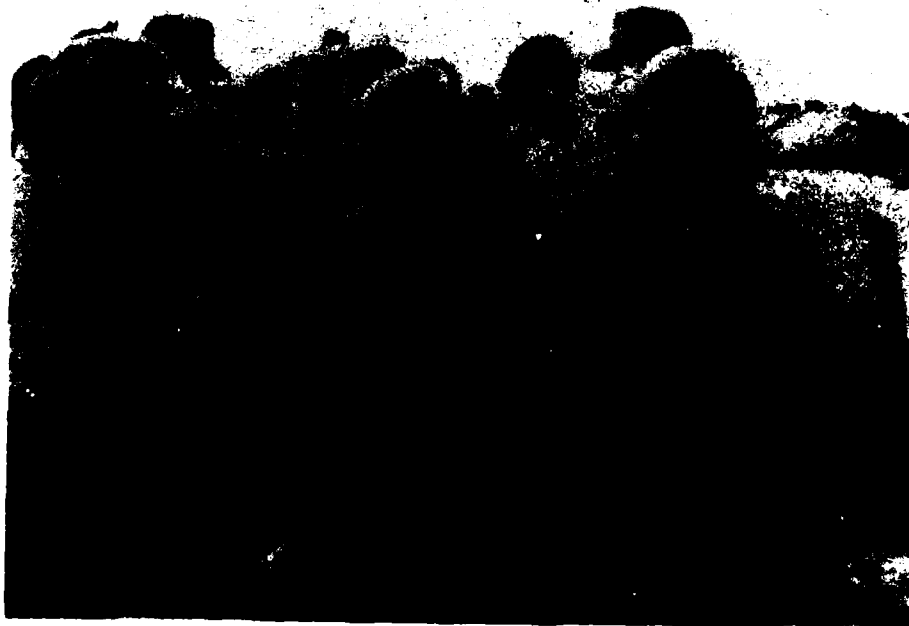
Central Delegations, Four-Party Joint Military Commission, at Conference Table, Tan Son Nhut



Major General Le Quang Hoa, Chief, DRV Delegation, Four-Party Joint Military Commission, at Central Delegation Conference Site, Tan Son Nhut



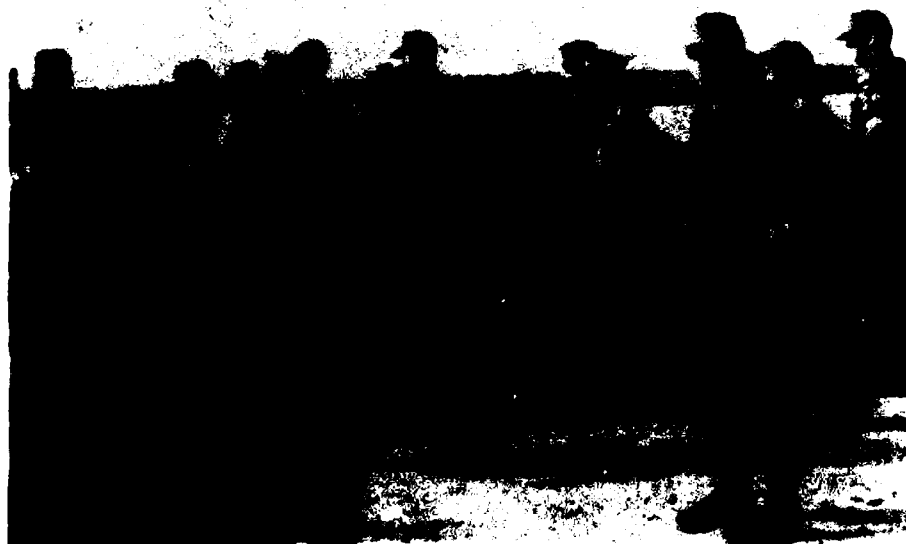
"The Iron Bridge" near Quang Tri, site of prisoner-of-war releases



Viet Cong, US, and South Vietnamese members of Four-Party Joint Military Commission, and Canadian member of International Commission of Control and Supervision observing prisoner-of-war release, near Quang Tri



**Polish and Hungarian members of the International Commission of Control and Supervision at prisoner-of-war release near Quang Tri**



**Four-Party Joint Military Commission and International Commission of Control and Supervision teams observing prisoner-of-war release near Quang Tri**

## 5

### **THE ISSUES FOCUS: COMMISSION DEPLOYMENT, FACILITIES, PRIVILEGES, AND IMMUNITIES**

*While there continue to be numerous reports concerning unforthcoming attitude toward ICCS and JMC on part of GVN, in point of fact GVN has so far complied with at least minimum requirements in dealing with ICCS and, perhaps more importantly, with JMC.*

American Consul, Da Nang,  
6 February 1973

*The FPJMC is indeed not working. The principal problem is the failure of the PRG delegations to appear and take part, for whatever reasons.*

American Consul General, Can Tho,  
6 February 1973

Although the return of the American prisoners of war and the withdrawal of US and Free World Military Assistance Forces were two primary tasks of the US delegation to the Four-Party Joint Military Commission, another major effort was directed toward bringing about an effective cease-fire by first reducing the level of fighting in South Vietnam.

Although a true cease-fire was desirable, the Americans realized that such a goal had to be adjusted to the realities of the continuing combat environment in many parts of South Vietnam, as well as to the determination of the three Vietnamese parties to yield no advantage previously won. To reduce the level of fighting was a more reasonable, perhaps even attainable, goal. Citation of the cease-fire provisions of the Paris agreement in sessions of the Chiefs of Delegation produced either stony stares or angry recriminations and loud accusations.

A lowered level of combat actions required several preliminary steps. First of all, General Woodward needed to persuade the North Vietnamese and Viet Cong delegations to deploy their members to all regional commission and joint military team sites. Because these two parties, particularly the Viet Cong, refused to cooperate, he was unable to do this. General Tra and his delegation initially contended that the facilities set aside for them were inadequate. As these facilities were improved, repaired, newly constructed, or otherwise made acceptable—at American expense—the Viet Cong found other reasons to refuse to deploy.

Adequate facilities for the North Vietnamese and Viet Cong delegations at central, regional, and team level was an issue aggravated by the planning failure of the South Vietnamese. Although they had participated in the discussions of the cease-fire during the 3 months before it was actually implemented, they were prohibited by President Thieu from undertaking the physical preparation of the facilities that the Communist delegations would need by the appointed time. As a result, the initial burden of effort and expense fell upon the United States, but the facilities provided were minimal. The American leadership in Saigon left their South Vietnamese counterparts with the clear understanding that anything beyond this minimum was their responsibility.<sup>1</sup> In the charged atmosphere of Saigon, this meant that little would be done.

From the time that the cease-fire agreement and its related protocols had been approved and announced by the parties concerned, General Woodward and the US Delegation kept close watch over the development of the facilities for the Communist delegations. At a meeting between representatives of the American, North Vietnamese, and Viet Cong delegations on 30 January, shortly after the commission began its work, the two Communist delegations aired their immediate complaints. Their concern was with their basic logistical needs. They noted that at this early point in the life of the commission their entire delegation had not yet arrived, and they needed people on a temporary basis to carry out menial tasks, such as cooking and cleaning, that their own personnel would soon discharge. They pointed out that since the South Vietnamese Government would not allow them to leave their compound at Camp Davis, direct purchase of food was

impossible. They also noted that they did not know how to operate the sophisticated American-made messhall equipment and facilities or how to maintain the electricity and running water there. They also needed more office equipment.

The US representatives offered to act as intermediaries to hire civilian contractors to help solve most of these problems. The Americans noted that US facilities and personnel could no longer be used, with the exception of a few technical personnel on a temporary basis to train the North Vietnamese and Viet Cong mess personnel on the use of messhall equipment. For the time being, this offer seemed to satisfy them.

This interchange is illuminating and interesting in a number of ways. On the one hand, it indicated certain aspects of the assumptions underlying the entirety of American involvement in the Vietnam war. Surely, if advanced and complicated messhall equipment was necessary for the American serviceman and, later on, for some of the South Vietnamese as they became accustomed to the routine use of American technology, why shouldn't it have been necessary for the North Vietnamese and Viet Cong when they arrived from the North or from the jungle? The MACV logistical planners had probably never considered the cultural and technological differences between what was routine for American forces and what the Communists were used to insofar as housekeeping and facilities were concerned. In some instances, the American approach to providing facilities in this first phase of the cease-fire virtually insured some difficulties that might otherwise have been avoided had the plans not been made in the American image. Whether the MACV staff consulted with their South Vietnamese counterparts is not certain; in any case, most South Vietnamese units outside the major urban areas survived with simpler, more familiar gear.

On the other hand, as days passed, the Communist delegations were able to use Western standards, or lack thereof, against the Americans and South Vietnamese as pretexts to avoid full deployment to local sites. In many ways, the sense of fatalism about the probable success of the commission that General Woodward brought from Paris back to Saigon was best revealed by the facilities debate.

The facilities question remained relatively dormant through the first week of February. In a memorandum on the subject to the North Vietnamese and Viet Cong delegations, Colonel O'Connor noted that, with respect to regional locations, the US delegation had "been informed that the facilities your delegation will occupy are habitable, although their renovation has not been completed in some instances." This might cause some "temporary inconveniences," he continued. But he assured the two

delegations that "preparation of facilities will continue at an accelerated rate and any deficiencies will be of short duration."

The following day, however, General Woodward emphasized this issue to his South Vietnamese counterpart. The US Delegation chief particularly sought to help the South Vietnamese identify problem areas at the regional element complexes, as summarized in reports from the chiefs of the American regional elements. He noted that in Bien Hoa and Can Tho, the South Vietnamese did not seem to be helping to ready the facilities for occupancy in time for an early deployment.<sup>2</sup>

At the first meeting, 6 February, of the Subcommittee on Operational Procedures, the Communists openly described their difficulties in obtaining sufficient food. An arrangement was quickly made to use civilian contractors sponsored by the South Vietnamese Government and South Vietnamese Armed Forces supply agencies. Discussion of adequate billeting and office space was deferred to a later meeting.<sup>3</sup>

In the meeting of Chiefs of Delegation on the following day, the Communist delegates complained similarly about their accommodations and food, which was limited to C-rations at some regional sites. The American and South Vietnamese chiefs responded that, while facilities were austere because of wartime conditions, improvements were being made. They argued that early deployment of commission elements to the countryside was more important than ideal amenities.<sup>4</sup>

Early reports from the US regional elements were not optimistic. The uncooperative attitude of the South Vietnamese was a major problem. The coincidence of the Tet holiday in the first week of February contributed additionally to the delay.

From Hue, Colonel G. A. Millener, Chief of the US Element, Region I, reported a problem that was to plague all regions. According to his South Vietnamese counterpart, Pacific Architects and Engineers would have to provide food for the North Vietnamese and Viet Cong delegations in Hue. The South Vietnamese Government would not allow the Communist representatives to go to the market areas.

Colonel Phillip Kaplan, Chief of the US Element, Region III, Pleiku, cabled General Woodward that none of the six team locations in his area were ready. Three sites had not even been selected. The principal reason for the delay was the apparent lack of specific orders to each of the team chiefs, province chiefs, or corps commanders to select sites and have them ready by a specified date. Sites could be selected and ready for occupancy at all locations within 72 hours if the corps commander received the appropriate directive. Colonel Kaplan observed that his counterpart, Colonel Tran, would move aggressively only if he received orders from the Joint General



Staff or the II Corps commander, but said there had been no emphasis on urgency from ARVN officers at II Corps or JMC Region III. He asked that this point be stressed in Saigon. "I cannot overemphasize the necessity for specific orders from JGS that state the requirement in no uncertain terms," he continued. "The sites can be found and be ready if proper orders and urgency are placed on this matter."

From his headquarters near Bien Hoa in Region V, Colonel Walter F. Ulmer, Jr., stated flatly that the attitude of the South Vietnamese corps commander was the root of the problem. Because the III Corps commander had directed that North Vietnamese and Viet Cong delegations be quartered away from populated areas and outside South Vietnamese army installations, sites were selected only after several days of indecision. "Sites provided by GVN range from best at Tan An where there are a few shells of buildings with concrete floors to the worst at Ben Cat where the designated site is an open field surrounded by mines," Colonel Ulmer wired. "Cu Chi site is a peanut field, Xuan Loc another field, and An Loc has an open field which must be swept for mines. Water and electricity plus shelter must be provided for all sites." Behind the attitude of the local South Vietnamese was the refusal of the Saigon Government to force the South Vietnamese army to cooperate and provide support.

Even if preparations began immediately and continued at full speed, austere camp sites could not be ready for at least a week. More livable facilities with continuing improvements could be provided shortly after, but, if there were any complications, the result would be more delay. Ulmer proposed that the North Vietnamese and Viet Cong members of the Joint Military Commission teams in Region V be quartered in Saigon and flown to their team sites each day by helicopter until the camp sites were readied.

Colonel J. G. Whitted in Region VII echoed his compatriots; ARVN equipment support was lacking, the billets for Communist representatives at team locations in Region VII were in varying states of preparedness, none were ready to be occupied. The remaining regions reported various states of unpreparedness and lack of support as well.

The American delegation was frustrated also by the failure of the South Vietnamese high command to direct local commanders to provide the logistical support, such as food supplies, which they had agreed to previously in Saigon. For example, although MACV had informed Colonel R. H. Forman, the American delegation chief in Region IV, Phan Thiet, that the South Vietnamese would be responsible for the food supply after the first 2 days, this had not happened.

Reports over the next several days indicated that conditions were not improving significantly. "There is still a distinct lack of communication

and direction within GVN JMC channels at all levels concerning the support which they are to furnish to DRV/PRG delegations," Colonel Whitted reported. "GVN JMC personnel at Region and Team level will not act without direction," he continued. "This is severely hampering the establishment and equipping of billeting facilities and communications."

Colonel Kaplan reported that of the four buildings chosen for the Kontum site, only one had a roof. The other three were metal frames over which tents would have to be stretched. Water would have to be trucked in daily. There were no latrines, communications facilities, electricity, or cooking facilities. At the Hau Bon site, the building designated for offices and the conference room had adequate floor space, but it had no doors, was full of trash, and was open between the top of the walls and the roof. The two buildings selected as billets were large enough but lacked doors, windows, screens, and water. In addition, the back walls were partially blown out. As at Kontum, there were no latrines, communications and cooking facilities, or electricity. The other Region III sites selected for the Communist delegations were somewhat better, but most required extensive renovation and repair.

Colonel R. H. Forman, Region IV, Phan Thiet, reported to Brigadier General Michael D. Healy, Commander, 2nd Regional Assistance Command, that at least half the equipment that the local South Vietnamese logistical command was providing to the regional and team sites was junk. General Healy passed this information on to General Woodward, citing as an example an ice machine that was inoperable because it lacked a compressor.<sup>5</sup>

Because these reports from the US regional elements painted a bleak picture for the early deployment of the local joint military teams to the field, General Weyand personally intervened. He knew the cease-fire would have no chance to be effective without the presence of the teams in the countryside. In a message to USARV/MACV Support Command, the plan was laid out: "The ultimate responsibility for initial support rests with the US and where shortfall occurs, US agencies must take the necessary steps to insure that the required support is provided." Step by step, the problem areas of facilities, vehicles, equipment, and supplies were covered and the responsibility assigned for each. A US Army brigadier general, R. J. Fairfield, was appointed to coordinate the effort. As a result, the American regional delegations began to play a more active role, and the senior US military commanders in the South Vietnamese corps areas directed their attention to the problem. Although the facilities gradually improved, the Communist delegates kept the issue alive.<sup>6</sup>

Unfortunately, this American effort came too late to bring about the early deployment of the North Vietnamese and Viet Cong members of the

joint military teams to the field. Another issue had come to the fore. The question of proper security for the Communist delegations now prevented meaningful deployment of the North Vietnamese and particularly the Viet Cong delegations to the team level.

The catalyst was the Ban Me Thuot incident of 9 February. Although the few Communist delegations that had deployed to other areas had encountered resentment and hostility among local inhabitants and government troops, no significant incidents had occurred. But at Ban Me Thuot the situation radically changed. When Major Phillips, a member of the Ban Me Thuot Joint Military Team, joined his South Vietnamese counterpart, Major Huu, that afternoon at the local soccer field to meet the incoming North Vietnamese delegation, he noticed that more than 40 South Vietnamese civilians were gathering nearby. Sensitive to the attitudes of the local population, Phillips suggested to Huu that this did not appear to be a good situation. Huu agreed. About 30 National Policemen were posted near the soccer field, ostensibly to maintain order, but they soon let another large group of people enter the stadium.

When Lieutenant Colonel John C. Vanden Bosch, the chief of the American element in the team, arrived about 20 minutes later, he quickly concluded that the potential for trouble was grave, but his efforts to have the crowd dispersed were fruitless. When Major Huu approached the National Police commander posted there, he was told the police had everything under control and that nothing would happen. An appeal to the deputy police chief and the Secretary to the Province Council to clear the bystanders and close the gates to the soccer field was also useless. The senior policeman replied that he couldn't do anything because people were free to move where they wished.

Vanden Bosch told Major Phillips to radio the incoming helicopter not to land because security was questionable. He then tried to warn Colonel Kaplan at Region III, Pleiku. Captain Walker, the American liaison officer aboard the inbound helicopter, had seen only a few people on the soccer field—most were standing on a covered platform—and had radioed Major Phillips that he had to land because he was low on fuel. The first helicopter landed, and the North Vietnamese passengers moved to the covered platform where South Vietnamese officials were waiting to process the delegates. After the second helicopter had landed and its passengers had left it, the Americans on the field noticed Tri, the Secretary to the Province Council, signalling people to come forward. By this time, the crowd had grown larger, banners had appeared, and the general movement was in the direction of the helicopter. The North Vietnamese representatives reached the processing table safely, but the crowd pressed closer and became more

excited. Some of the demonstrators moved onto the covered platform within 10 feet of the North Vietnamese.

The Americans had by now persuaded the South Vietnamese officials to halt their work, open the gates to the soccer field, and clear a path out of the area. As the group left, the crowd began to throw stones, dirt clods, and bricks at them. Some beat the North Vietnamese—and their escorts—with sticks. During the confrontation, Major Huu and Captain Nga of the South Vietnamese element of the team, in addition to a few individual National Policemen, tried to help. Other officials did nothing. Major Huu was cut on the forehead and taken to the hospital; he returned several hours later. Captain Nga suffered superficial scrapes and bruises, as did the three Americans present, Colonel Vanden Bosch, Major Williamson, and Major Phillips. The North Vietnamese said six of their team had been injured.

Vanden Bosch later reported his belief that the incident had been planned by representatives of the South Vietnamese Government and carried out with the help of the leaders of the local National Police. It seemed highly probable that the members of the Province Council were involved, particularly Tri. Vanden Bosch believed Captain Thanh of the National Police had intentionally neglected to secure the area and prevent disorder. He did not think that Major Huu and Captain Nga were aware of the planned demonstration.

Reaction to this incident was prompt. Early the following morning, the North Vietnamese and Viet Cong in Saigon cancelled their scheduled subcommission meetings. In each case, the incident at Ban Me Thuot was cited as the reason.<sup>7</sup>

At the next meeting of the central commission, the North Vietnamese began with a strident protest over the Ban Me Thuot incident. General Hoa charged that the incident had been organized by the South Vietnamese Government and was a flagrant violation of the cease-fire protocol concerning the protection and immunities of Four-Party Joint Military Commission personnel. He announced that the North Vietnamese had suspended further deployments to the field until his delegation received US and South Vietnamese assurances that similar incidents would be prevented. The Viet Cong echoed their colleagues and stated that the proximity of the incident to a South Vietnamese military base and the presence of local civil and military policemen indicated the complicity of the South Vietnamese authorities. They likewise halted further deployments.

General Dzu expressed the regret of the South Vietnamese Government at the incident, although he protested the strong language used by General Hoa. He described the incident as the spontaneous reaction of the people to continued North Vietnamese and Viet Cong cease-fire violations.

He assured the Communist delegations that the Prime Minister would investigate the incident.

General Woodward observed that security would continue to pose problems for all four parties. He noted that a commission helicopter with an American crew had been taken under ground fire while on a reconnaissance of the area near Quan Loi that had been listed by the Viet Cong as a possible prisoner-of-war release site. Despite the risk, General Woodward continued, the United States would continue to deploy American joint military team members and was prepared to assist with the deployment of the other three parties. All parties agreed to dispatch a joint military team to Ban Me Thuot to investigate.

Using Ban Me Thuot as the pretext, the North Vietnamese, supported by the Viet Cong, proposed a draft agreement entitled "The Privileges and Immunities to be Enjoyed by the Delegates and Their Personnel to FPJMC at All Levels." With this as a vehicle to air other complaints, the Communists proposed complete freedom of movement, the right to contact the press, the right to receive complaints of violations of the agreement on ending the war, and the right to fly national flags.

Throughout this chiefs' meeting, the North Vietnamese and the Viet Cong had complained about the inadequate facilities and support provided by the South Vietnamese and the Americans. In particular, the Viet Cong chief, General Tra, alleged that accommodations in all seven regions were unacceptable.

General Woodward responded that the North Vietnamese delegations at Da Nang and Pleiku had expressed satisfaction with their facilities. He also observed that a certain austerity of accommodations should be expected, considering the little preparation time that had been available, especially in the more devastated and remote areas. He urged all parties to establish their presence in the field as soon as possible so they could influence the enforcement of the cease-fire. The American chief explained that the initial provision for accommodations had been handled by the United States with South Vietnamese assistance. General Woodward remarked, however, that American forces were now withdrawing and the Saigon Government, as host for the commission, was now responsible for improving the facilities and providing operating support.

Despite these explanations, the Viet Cong continued to argue that the United States had the responsibility to influence the South Vietnamese to provide adequate support. The Communist delegations then began a series of moves to gain the maximum value from the continuing facilities issue. At the same time, they tried to block American protests over the North Vietnamese and Viet Cong failure to deploy. At the meeting where the Ban

Me Thuot incident was the principal topic of debate, General Tra finally reversed his initial position on deployment to the field by promising to deploy personnel for regional commissions and joint military teams on a case-by-case basis as adequate accommodations became available. Later that afternoon, the Viet Cong dispatched 34 personnel to Region IV.<sup>8</sup>

General Tra shifted his position 2 days later. On 12 February, he declared to General Woodward his deep belief that the regional commissions should be fully deployed to help insure effective coordination of the four parties in implementing the cease-fire agreement. But, he added, there were problems:

Due to the fact that the living conditions of our military delegations to the regional JMC's are ill-provided, that our personnel do not have even minimum facilities to work and live a normal life, that the locations of their offices are not in conformity with the stipulations of the protocol concerning the cease-fire in South Vietnam and the Joint Military Commissions, and that the safety of the officers, staff members of the JMC's, is specifically not guaranteed, [e.g., the Ban Me Thuot incident], I have for the time being ordered the suspension of the deployment of our military delegations to different regions.

As soon as these problems were solved in a region, Tra said, he was prepared to send the full number of Viet Cong representatives there. He closed by stating that the United States and South Vietnam must bear the "full responsibility for the delay of the solution to this matter."<sup>9</sup>

General Woodward responded to both General Tra and to General Hoa. "I appreciate that many of the facilities at the Regional Commission and Joint Military Team levels are austere," he said. "Wartime conditions and the remote locations of some of the sites have made this austerity unavoidable." He assured them that the United States and South Vietnam were trying to provide the best facilities possible in the short time available, noting that the South Vietnamese had agreed to assume responsibility in the face of the American withdrawal. "I understand your concern for the security of the officers and men of your Delegation," he continued. "The animosities which have been generated by years of war are still strong in Vietnam." He reminded the two Communist leaders that South Vietnam, not the United States, was responsible for security and that unavoidable risks would remain until the cease-fire became stable. "The US Delegation has accepted these risks," he told the two generals, "by deploying its own personnel and by standing ready to assist in the deployment of the other Delegations." Turning the tables on them, Woodward stated:

I acknowledge your willingness to resume the deployment of the PRGSVN [Viet Cong] Delegation to the Regional Commissions and the Joint Military Teams. I am, therefore, forwarding a list of those

Regional Commission and Joint Military Team sites which I consider to be ready for your occupancy. In the case of those sites which are not ready, I have noted the date on which it is anticipated that these sites will be ready.<sup>10</sup>

General Tra waited several days before replying. He argued that reports from his advance parties on 12 February indicated that the "offices in Bien Hoa, My Tho, and Can Tho lack even minimum conditions necessary for regular living and working." He suggested that combined teams of all four parties be sent to inspect the regional facilities. "I am ready to assign sufficient officers and servicemen to the regional joint military teams," he declared, "in the areas where the above mentioned conditions have been resolved by the combined four-party inspection teams." General Woodward warily accepted this proposal, provided the inspection tour did not impede the early occupation of the sites in question.<sup>11</sup>

At about the same time, the facilities situation was complicated by a Valentine's Day visit by Ambassador William H. Sullivan to the North Vietnamese and Viet Cong at Davis Station on Tan Son Nhut Air Base. Sullivan, former ambassador to Laos, had been instrumental in Paris in hammering out the cease-fire agreements. He explained to Hoa and Tra that during his recent visit to Hanoi Le Duc Tho and Pham Van Dong had asked him to visit Davis Station and had presented him with a long list of complaints about their facilities. Sullivan noted that he had wanted to see Davis Station before his meeting with President Thieu on this matter later that day. General Tra complained about the excessive noise at the compound and expressed his wish to move the Viet Cong delegation into downtown Saigon. He also wanted to move the regional commissions into nearby towns.

Sullivan observed that suspicion was a natural result of a long war and that suspicion led to insecurity. Although he recognized the inconvenience that was being caused, it was preferable to someone being killed. The Ambassador thought the best thing to do was to stop the fighting and infiltration. The three officials discussed stabilizing the cease-fire, freedom of movement, incidents such as that at Ban Me Thuot, and security. Sullivan assured Hoa and Tra that he would take up these questions with President Thieu although he could make no promises on how quickly solutions could be found.<sup>12</sup>

That evening, the American Embassy in Saigon wired the State Department that the Communist delegations had sought an immediate propaganda gain from the Sullivan visit. After the Ambassador had left, a Viet Cong official had telephoned to a reporter that Sullivan had agreed that "immediate measures" should be taken to insure a stable cease-fire and

realized that the offices of the Viet Cong delegation were not "appropriately arranged."<sup>13</sup>

As a result of the Sullivan visit, the State Department wired Ambassador Bunker that some visible improvements in the physical accommodations were needed rapidly. Department analysts felt that the issue of accommodations was more important than the question of freedom of movement. The North Vietnamese had been told that their complaints would be investigated. The Department told the Embassy that a noticeable improvement would be a gesture of little cost to demonstrate the good will and intentions of the United States.

As soon as he learned of this transaction, General Woodward offered to install two house trailers in Davis Station—immediately. He informed Generals Tra and Hoa that a simple engineering estimate would be necessary, however, before the installation. The American chief also noted that the MACV engineer, Colonel Lamp, had visited Davis Station several times to determine the North Vietnamese and Viet Cong needs in the way of facilities. "To date, he has not been permitted to visit anything but a single room," he chided, "and it will be necessary to survey the entire facility in order to determine what improvements are desired as well as feasible." He also observed that the total Communist population in Davis Station was only about half the size of the US troop population that had previously occupied the facility; there were in fact only 205 North Vietnamese and 128 Viet Cong in quarters designed for at least 500 American servicemen.<sup>14</sup>

Although the house trailer offer was refused by the two delegation chiefs, the facilities issue was defused by the mere fact of the offer, as well as by the joint inspection team's visit to regional and team sites to ascertain needed improvements and the fact that the United States, through Pacific Architects and Engineers, was making obvious efforts to accommodate North Vietnamese and Viet Cong demands. "Continued improvements in DRV/PRG compound at Dong Tam have resulted in decreasing chorus of complaints from DRV/PRG delegations," cabled Colonel Ulmer from Region V headquarters at Bien Hoa. "At Deputies meeting on 19 February 1973, DRV representative stated compound met minimum requirements. PRG spokesman continued to cite insufficient facilities as reason for not calling forward balance of delegation but for first time now claims principal reason for their not arriving is RVN air and artillery strikes which make it impossible for them to concentrate delegation in pick-up area."<sup>15</sup>

The explanation for the behavior of the delegations with regard to occupying the facilities prepared for them was pinpointed by Major General Marshall Garth, Commander, 3rd Regional Assistance Command,



who reported his impressions to General Weyand. He said the facilities of the team sites in the commission's Region V (which lay within Military Region III) were ready for occupancy on 16 February under the criteria of austere minimum requirements. The Viet Cong and North Vietnamese, however, had visited only two of the sites, Ben Cat and Xuan Loc. The accommodations in these areas were improved after the visits in response to the criticisms voiced by the two parties. But subsequent complaints were petty and unreasonable. "The DRV requested a gas stove," reported General Garth. "When it was provided, they rejected it because it did not have a 40cm gas burner; television sets were requested but rejected when provided." He informed General Weyand that he considered all sites fully ready for occupation. "The DRV and PRG have made no serious move toward occupation, nor do I expect them to," he continued. "It is my firm conviction . . . that they will stall, haggle, and reject sites out of hand on the basis that they are not in acceptable condition or in proper location in an attempt to discredit our efforts toward carrying out our portion of the peace agreement."<sup>16</sup>

By 17 March, all of the original construction and renovation projects agreed on during the inspection trip by the Four-Party Joint Military Commission team were completed (except for one messhall building at Can Tho, which was scheduled for completion several days later).<sup>17</sup> This gave the United States a chance to turn the tables on the North Vietnamese and Viet Cong delegations during the tense period of the last prisoner release negotiations in late March. On 26 March, just before the final breakthrough on the prisoner releases, General Woodward brought pressure on General Hoa and General Tra to deploy to regional and team sites. He noted that the Viet Cong had not deployed a single element to any of the joint team sites, nor had they deployed regional elements to two of the regional headquarters. He chastised General Tra for withdrawing his liaison officers from Region II, Da Nang, thereby leaving three regions without even a token Viet Cong presence. The record of the North Vietnamese was slightly better, but by 26 March their teams had been withdrawn from the four team sites they had occupied, although they remained represented at all of the regional headquarters. In fact, the North Vietnamese had prematurely returned 102 personnel to Hanoi.

In contrast, the Americans and South Vietnamese were in place at all team sites and regional headquarters. Woodward called on the two other parties to "complete the deployment of their personnel to the Regional JMCs and to the Joint Military Teams so that the Four-Party JMC may perform its tasks and provide appropriate conditions for the formation of the Two-Party JMC."<sup>18</sup> Woodward realized there was little chance at this late date that any deployment would occur, but his statement applied

additional pressure on the Communist delegations during this critical period. At the same time, the continuation of the Four-Party Commission past 28 March seemed a distinct possibility, and this was an opportunity to prepare the groundwork for that eventuality.

The facilities issue, and its potential for delaying enactment of the agreement and protocols, camouflaged more fundamental questions that could not be settled satisfactorily in Paris. As General Weyand had feared from the beginning, these questions were no more amenable to resolution in Saigon. As the facilities issues became defused, the question of the extent of freedom of movement and diplomatic privileges and immunities to be accorded the Communist delegations slowly surfaced in the deliberations of the central commission. The North Vietnamese and Viet Cong delegations based their demands on Articles 16 and 17 of the protocol on the Joint Military Commissions. These two articles contained conflicting provisions, which complicated the process of negotiation on the issues. For example, the requirement to provide full protection conflicted with the provision that all parties to the commission would "enjoy privileges and immunities equivalent to those accorded diplomatic missions and diplomatic agents," such as complete freedom of movement. The incident at Ban Me Thuot illustrated the difficulties involved. The ramifications of freedom of movement without incurring physical harm also extended into such activities as purchasing foodstuffs at local markets.

What was really at stake was the degree of apparent legitimacy the Viet Cong could attain through the agency of the Four-Party Joint Military Commission. As their steady refusal to deploy to local team sites indicated, they were not particularly concerned about accomplishing the tasks delegated to the commission by the Paris agreement and protocols. They understood clearly as a result of the secret discussions in Paris that the United States was interested primarily in obtaining the release of the American prisoners of war, in return for which American forces would be withdrawn. As long as these two processes occurred in a reasonable fashion, US reaction to lesser recalcitrances could be expected to be minimal. The Viet Cong recognized that American public opinion would not permit an increasingly beleaguered President Nixon, more and more occupied with the Watergate crisis, to resort to military force. Moreover, the United States felt a commitment to a political process in South Vietnam—reasonable, fair, and open elections—in which the Viet Cong could freely participate. Therefore, the Viet Cong played for the long-range gain of legitimacy. Only occasionally were the Americans successful in their insistence that many of the Communist demands concerning privileges and immunities were not important to the functioning of the commission itself.

These issues were first addressed formally in early February when a Subcommittee on Operational Procedures was established to deal with the questions of freedom of movement and diplomatic privileges and immunities raised by the three Vietnamese parties. This came about after the Viet Cong charged that the military base of Tan Son Nhut was not the proper site for the central commission and sought agreement on a location in downtown Saigon to facilitate liaison with the ICCS, the diplomatic community, and the news media. Although the North Vietnamese did not explicitly support the Viet Cong on these issues, they too were concerned with the problem of freedom of movement and the general question of diplomatic privileges and immunities.<sup>19</sup>

At an early meeting of the new subcommittee on 8 February, the North Vietnamese and Viet Cong again asked to fly their national flags over their compounds, an issue since their arrival in South Vietnam. They cited their diplomatic status and argued that because "peace has come to Vietnam, there is no reason for refusing to permit our governments to be represented by flying flags."<sup>20</sup> Although this specific issue never became a major stumbling block, it illustrated the nature of the debate over freedom of movement and diplomatic privileges and immunities.

The following day, the Ban Me Thout incident, in which the North Vietnamese delegates were attacked by civilians, exemplified the dangers inherent in freedom of movement. General Woodward pointed out to the North Vietnamese and Viet Cong that security would remain a problem until the cease-fire was completely effective. He observed that the best way to avoid further incidents was to deploy all elements of the Four-Party Commission to the team sites and regional commissions and work to stabilize the cease-fire. The Communist parties ignored this argument and instead addressed only diplomatic privileges and immunities. Introducing a draft agreement, the North Vietnamese claimed that approval of their proposal should be the item of highest priority at the meetings of the delegation chiefs.

The draft offered by the Communists elaborated on the pertinent provisions of the Paris agreement and protocols. Proposed were complete freedom of movement, the right to contact the press, the right to receive complaints of violations of the Paris agreement and protocols, and the right to fly national flags. When the document was presented, General Woodward observed that the Government of South Vietnam, as host government for the Four-Party Joint Military Commission, was the entity to extend diplomatic privileges and immunities. The United States and other free world forces had abided by South Vietnamese laws and regulations. Although the United States had little influence in this area, the Americans

would assist the Vietnamese parties as much as possible in reaching agreement. The proposal was tabled until the next meeting of the chiefs to permit time for study.

Although any of these Viet Cong proposals, if achieved, would have enhanced the appearance of Viet Cong legitimacy inside South Vietnamese-controlled areas, particularly Saigon, many were red herrings. They were designed to be compromised away in return for what they really wanted, complete freedom of movement and unrestricted access to the non-Communist press. Tra understood that complete freedom of movement might have its dangers; certainly, incidents in which the South Vietnamese civil population had harassed and even attacked deploying Viet Cong commission members should have impressed that point on him. Still, such occurrences had propaganda value if used properly, especially if access to the press were unrestricted. But, most importantly, complete freedom of movement—the sight of uniformed Viet Cong officials moving unescorted wherever they wished—would provide a form of *de facto* recognition as a legitimate government, plus opportunities to proselytize among South Vietnamese disaffected with the Thieu government. Although such freedom was what the Viet Cong wanted most, it was the privilege that the South Vietnamese Government was least likely to grant. Meanwhile, even the debate could work to the propaganda advantage of the Communists.

General Woodward believed the Viet Cong would continue to press for complete freedom of movement, accompanied by guarantees of security, as part of their major objective of enhancing their image of legitimacy. He was also sure that the South Vietnamese would continue to impose restrictions in the name of security and would regret the decision to permit the delegation chiefs to address these issues. Moreover, negotiating restrictions imposed on the South Vietnamese delegate were not likely to be significantly eased by the next meeting on 12 February. Woodward warned his superiors that the ICCS Canadian delegation, whose chief was serving as chairman of the supervisory body at the time, believed they must make some effort in the matter of diplomatic privileges and immunities if the cease-fire continued.

Woodward was disposed to support some of the Viet Cong demands in his dealings with the South Vietnamese. His similar dealings with Communist officials in Berlin and Korea had led him to recognize that a major help in any negotiating process was the establishing of an atmosphere in which the interests of all concerned could be recognized, discussed, and resolved to the extent that agreement was possible. There was also general agreement among his advisers on the delegation staff that the United States, as a signatory to the Paris agreement, had an obligation to encourage the South Vietnamese as host country to extend appropriate privileges

and immunities. The real issue that needed deciding, first within the delegation staff, and then with the South Vietnamese before it could be resolved with the Communists, was what constituted "appropriate" privileges and immunities. Therefore, the US Delegation tackled this problem in the hope that ultimate compromise and agreement among the Vietnamese parties would bring full field deployment and greater mutual cooperation toward achieving a cease-fire.

As the American delegation position developed, it focused on the functional basis for privileges and immunities within the context prescribed by the Paris agreement and protocols. The basic concept on which Woodward based his efforts to persuade and compromise with the Vietnamese was that the Four-Party Joint Military Commission and its elements would have specific immunities and privileges when they functioned together as an official commission carrying out the tasks required by the Paris treaty.<sup>21</sup> They would not, as individuals, necessarily enjoy those same rights in any unofficial endeavors.

Because their attention became riveted on the release of the American prisoners at Loc Ninh, the delegation chiefs did not discuss privileges and immunities for several days. At that time, the Viet Cong mentioned, but did not pursue, the contrast between the two Communist delegations and the American and South Vietnamese delegations in terms of the freedom of movement enjoyed by each. General Woodward explained the contradiction between General Tra's demands for both absolute security and absolute freedom of movement, pointing out that freedom of movement entailed risks while security required some loss of freedom. He suggested that a solution between the two extremes would improve the situation and allow the Four-Party Commission to function. The new South Vietnamese Chief of Delegation, Lieutenant General Dong, acting on instructions from his government, was not inclined, however, to compromise.<sup>22</sup>

The American delegation, when at the conference table, generally followed the lead of the South Vietnamese as host government, arguing that a grant of diplomatic privileges and immunities was the right of sovereign states. But because the United States was a signatory to the Paris agreement and protocols, Woodward felt some obligation to encourage the South Vietnamese to provide proper immunities and privileges. The senior delegation officials worked through their informal channels to try to bring the South Vietnamese around. Woodward's negotiating ploy was to seek agreement on tightening the draft proposal so its provisions would apply only when delegation personnel were engaged in the tasks of the Four-Party Commission and not in cases of personal interest, subversion, or espionage. Administrative procedures should be referred to the Subcommittee on Operational Procedures for a subsequent report

back to the Chiefs of Delegation. The basic provisions for diplomatic privileges and immunities would then be discussed by the chiefs.

General Woodward believed that the phrase "right to freedom of movement" in the North Vietnamese draft should be avoided. While the protocols in this regard applied to civilian rights, their application to the role of the Four-Party Commission was another question.<sup>23</sup> Woodward proposed that elements of the Four-Party Commission be considered to have freedom of movement when all four parties moved jointly in the performance of their official capacity and within the limits of their duties. Therefore privileges and immunities were to be granted for the administration of commission duties and not for the personal interest of the beneficiary.<sup>24</sup> In a private meeting with General Hoa, General Woodward once again suggested that the Hanoi delegation carefully consider the contradiction inherent in the freedom-of-movement question; if their demands for complete freedom of movement were met, serious incidents and injury to North Vietnamese and Viet Cong personnel were possible.<sup>25</sup>

Woodward continued through February to emphasize this functional basis of privileges and immunities. He argued that this principle had been accepted by the Chiefs of Delegation at the time the identification card for commission members was accepted. The Four-Party Commission should decide through its Subcommittee on Operational Procedures which privileges and immunities were required to permit the discharge of commission functions.<sup>26</sup>

Before the month was out, the Communists launched into a tirade. The outburst occurred in the middle of the crises over the release of the second increment of American prisoners and the introduction of anti-aircraft missiles into the Khe Sanh valley by the North Vietnamese. General Woodward had confronted the Communists on these issues, and Hoa responded with a long litany of complaints. He accused the United States and the South Vietnamese of failing to provide the Communist delegations with physical security, diplomatic privileges and immunities, and working conditions suitable for diplomatic missions. Toward the end of the meeting, the North Vietnamese introduced a new draft agreement covering all their demands, including freedom of movement, privileges and immunities, and security. General Woodward ignored this harangue, insisting that the chiefs address the more critical missile and prisoner questions.

Later that afternoon, however, Woodward discussed the issues of privileges and immunities with South Vietnamese Lieutenant General Hon, newly appointed chairman of the interministerial committee on problems involved with implementing the cease-fire. General Woodward pointed out that the essential elements of the North Vietnamese and Viet

Cong argument were adequacy of facilities, freedom of movement, access to the press, and privileges, all of which were aimed at producing an appearance of legitimacy. The problem of Viet Cong legitimacy was admittedly difficult for the Government of South Vietnam. Nonetheless, it was essential for a durable peace that the Viet Cong emerge as contenders in the electoral process within South Vietnam, preferably before the departure of the United States because the matter would become more difficult afterward. The American chief suggested that the South Vietnamese and Viet Cong chiefs meet and determine what could be done in this matter. General Hon made notes, thanked General Woodward for his frankness, and agreed to meet with him regularly in the future.<sup>27</sup> No extensive changes in official South Vietnamese attitudes were forthcoming, however.

The draft proposal presented by the Communist delegates during the prisoner and missile crises contained many of the provisions of the old draft. Included were items on which the Subcommittee on Operational Procedures had already agreed, as well as earlier issues, such as the flying of national flags, on which there was no agreement. Other questions would have to be resolved by the chiefs. The point about the flying of national flags reflected both the South Vietnamese refusal to permit it outright and the American attitude that the flying of national flags was not essential to the operation of the commission.<sup>28</sup>

In the meeting of 1 March, General Woodward observed that the question of security was a difficult problem, but that a solution could be reached. He told the North Vietnamese and Viet Cong that on the question of freedom of movement, however, the United States was at a loss to know what was wanted. Did the Communist delegations want escorts all of the time, or complete freedom of movement, or some balance between the two extremes? Some protection was necessary; General Tra, for example, could not go into Saigon alone safely.

By asking the Communist delegates to be more specific, General Woodward shifted the focus of the deliberations from polemics to functionality; the burden for the moment was now on the North Vietnamese and Viet Cong. General Tra responded that he understood the restrictions on freedom of movement and accepted them in the present situation. The Communist delegations should, however, be able to visit other commission delegations and diplomatic missions, have access to journalists, and enjoy freedom of movement for commission activities. The North Vietnamese agreed with the Viet Cong and proposed that the Subcommittee on Operational Procedures discuss the draft agreement immediately and that the chiefs address it at an early meeting.

General Dong, the South Vietnamese chief, stressed security as the reason for locating the North Vietnamese and Viet Cong delegations in military compounds removed from city centers. He was reluctant to discuss the specifics of freedom of movement or immunities and privileges. As a result of this discussion, General Woodward believed the South Vietnamese would have great difficulty in dealing with specifics. He suspected they might be even slower in defining specific requirements than the two Communist delegates would be.<sup>29</sup>

In the meeting of the Subcommittee on Operational Procedures that day, progress was made on a number of points. The most important of these were the following: measures to insure security; the inviolability of delegation headquarters and personnel; the right to effect liaison with the ICCS and the other delegations; the right to effect liaison with higher and lower levels; and the right to contact diplomatic agencies and local suppliers, medical organizations (e.g., hospitals), and transportation companies when the South Vietnamese and US Governments could not accommodate the requirement. Agreement was not reached on the locations of the central and regional headquarters of the North Vietnamese and Viet Cong delegations, the flying of national flags, the right of each delegation chief to invite anyone to his headquarters without restriction, relations with the press, liaison with the seat of government of each delegation, the color of commission flags and armbands, food supply sources, the right to go marketing, and accommodations and living facilities.<sup>30</sup>

The delegation chiefs made significant progress on the proposals recommended by the Subcommittee on Operational Procedures. The first six items were discussed, and five were approved; one was sent back to the subcommittee for revision.<sup>31</sup> Almost 2 weeks passed before the chiefs were able to give their attention to the remaining points forwarded by the subcommittee. By mid-March, however, the chiefs had approved the agreements made in the subcommittee.<sup>32</sup>

At their meeting of 24 March, the delegation chiefs finally were able to begin discussing the points of disagreement on freedom of movement, privileges, and immunities. Many of these issues had been substantially resolved as a result of the deliberations on those points on which there was basic agreement. A new issue was reciprocal liaison flights between Hanoi and Saigon.

The North Vietnamese had proposed two liaison flights each week between Saigon and Hanoi, alternating between South Vietnamese and North Vietnamese aircraft. The American and South Vietnamese sides pointed out that such joint liaison flights were a complex political matter beyond the competence of the Four-Party Commission. The North Viet-



namese and Viet Cong agreed that joint flights had political implications. Hoa argued, however, that unilateral South Vietnamese flights had political implications as well. He observed that, in spite of political overtones, joint liaison flights between the two zones would promote the spirit of national reconciliation and concord. Further discussion of flights was postponed until General Dong, the South Vietnamese delegation chief, sought guidance from his government.

With regard to the disagreement over the right to fly national flags, the American representative noted that this matter had been discussed in Paris. An understanding had been reached there that this issue would not be pressed in Saigon with the Four-Party Commission. The North Vietnamese denied that the flag issue had been discussed in Paris and claimed that the flying of national flags was a diplomatic privilege to which delegations were entitled. The Viet Cong agreed, arguing that the delegations of the ICCS were flying their national flags.

This matter of flying national flags—like most of the questions concerning privileges and immunities—represented more fundamental issues than the apparent problem of diplomatic courtesy extended to international delegations. What the Communists continually sought were concessions that established the legitimacy of the Viet Cong as participants in the political processes of South Vietnam. Flying of national flags and freedom of movement, which would also give immediate visibility to the Communist presence (and thereby credence to their legitimacy) in areas long under the control of the Saigon Government, were aspects of that quest.

On the issue of the right of a four-party delegation to be contacted by any person or persons, General Wickham, sitting in for General Woodward, observed that this affected security for the other delegations. Whoever provided security for a particular delegation must have some control over persons going to visit them. The North Vietnamese and Viet Cong acknowledged this problem but asserted that visitor access should be impeded only by a check of identification papers.

With regard to press contacts, General Wickham noted that this issue had been overtaken by the establishment of the weekly press conferences held by the Communist delegations at Davis Station. Hoa and Tra both agreed that weekly press conferences were important, but they argued the necessity for delegations to call special press conferences and for chiefs of delegation to receive journalists at any time.

The South Vietnamese chief had no authority to discuss any of these issues and could not comment. Instead, he argued that agreements already reached satisfied the most important demands for privileges and immunities. He noted that the South Vietnamese had always tried to facilitate

the activities of the other delegations and would continue to do so. He also proposed that the chiefs move on to discuss more important matters, deferring these particular issues until later. In the crisis over the last prisoner release and the arrival of the order to redeploy the American delegation, these issues were not raised again.<sup>33</sup>

By the middle of February, it had become clear that the Viet Cong did not intend to deploy cease-fire teams to any significant extent other than to their central delegation in Saigon. Out of 825 authorized delegation members—central, regional, and local teams—the Viet Cong deployed as part of the commission no more than 221 by 28 March. The discussion over facilities, privileges, and immunities diverted attention from the deployment issue, a smokescreen covering their intention to cooperate only to the extent necessary to prevent strong actions by the United States. Unlike the North Vietnamese, who at least initially deployed to some of the local sites and all of the regional delegations and whose participating strength consistently remained between 700 and 800, the Viet Cong never placed enough members on its delegation to permit their deployment.

Although the ugly mood of many of the South Vietnamese people did present a danger of sorts, this factor must be weighed against such blatant Viet Cong actions as shooting down an American helicopter on 16 February, maiming and killing the Americans on board. Ironically, the aircraft had just delivered equipment to An Loc for use by the local commission team there. That was one of the sites to which the North Vietnamese and Viet Cong never deployed.<sup>34</sup>

## Chapter 5. Notes

1. Woodward interview.
2. Final Report, Annex F.
3. Message, CH USDEL FPJMC to COMUSMACV, 061645Z February 1973, Subject: Summary of FPJMC Meetings, 6 February 1973, WNRC 319-74-051, Box 29, folder 6.
4. Message, CH USDEL FPJMC to COMUSMACV, 071721Z February 1973, Subject: Summary of Chiefs' Meetings, FPJMC, 7 February 1973, WNRC 319-74-051, Box 29, folder 6.
5. Final Report, Annex F. The messages from which the quotes were taken could not be located in WNRC and may have been destroyed when the US Delegation left South Vietnam.

6. Message, COMUSMACV to CDR, USARV/MACV SUPCOM, 061210Z February 1973, Subject: Support of ICCS/JMC, WNRC 319-74-051, Box 23, folder 18.
7. Report, Chief, US Element, Region III, 13 February 1973, Subject: Fifteen-Day Summary of Activities Report, WNRC 319-74-051, Box 24, folder 3; Report, Chief, US Element, Region III, 2 March 1973, Subject: Fifteen-Day Summary of Activities Report, WNRC 319-74-051, Box 26, folder 8; Memorandum, n.d., Subject: Flight Ban Me Thuot, 10 February 1973, WNRC 319-74-051, Box 32, folder 4; Final Report, Annex F.
8. Message, CH USDEL FPJMC to COMUSMACV, 101730Z February 1973, Subject: Summary of US DEL FPJMC, 10 February 1973, WNRC 319-74-051, Box 29, folder 6.
9. Ltc, Lt. Gen. Tran Va Tra to Maj. Gen. Gilbert H. Woodward, 12 February 1973, USDEL Historical Files, cited in Final Report, Annex F.
10. Ltc, General Woodward, to General Tra, 13 February 1973, USDEL Historical Files, cited in Final Report, Annex F.
11. Ltc, General Tra to General Woodward, 15 February 1973, USDEL Historical Files, cited in Final Report, Annex F; Message, CH USDEL FPJMC to COMUSMACV, 241650Z February 1973, Subject: Summary of Significant C (28 January 1973-24 February 1973), WNRC 319-74-051, Box 18, folder 11.
12. Memorandum for the Record, Lt. Col. Gordon L. Kramer, 14 February 1973, Subject: Meeting of Ambassador Sullivan with Lt. Gen. Tran Van Tra, Chief, PRG Delegation, FPJMC, and Maj. Gen. Le Quang Hoa, Chief, DRV Delegation, FPJMC, at Davis Station, 14 February 1973, cited in Final Report, Annex F.
13. Final Report, Annex F.
14. Letter, General Woodward to General Tra and General Hoa, Subject: Quarters for Senior Officers, cited in Final Report, Annex F; "Personnel Deployment Status" as of 162400H February 1973, WNRC 319-74-051, Box 29, folder 19.
15. Message, CH USELM RGN V to CH USDEL FPJMC, 200400Z February 1973, Subject: Facilities at DRV/PRG Compound, Dong Tam, as cited in Final Report, Annex F.
16. Message, COMUSMACV to CINCPAC, 151015Z March 1973, Subject: DRV/PRG JMC Tactics, cited in Final Report, Annex F.
17. Memorandum, 20 March 1973, Subject: Facilities Status Report for Regional FPJMC Sites, WNRC 319-74-051, Box 31, folder 3; Final Report, Annex F.
18. Statement of Maj. Gen. G. H. Woodward, Chief of the US Delegation to the Four-Party Joint Military Commission, 26 March 1973, WNRC 319-74-051, Box 29, folder 20.
19. Message, CH USDEL, FPJMC, to COMUSMACV, 051635Z February 1973; Subject: Summary of Chiefs' Meeting, FPJMC, 5 February 1973, WNRC 319-74-051, Box 29, folder 6.

20. Memorandum, Col. George T. Balzer, 8 February 1973, Subject: 081500H Meeting of the Operational Procedures Subcommittee, WNRC 319-74-051, Box 29, folder 11.
21. Message, CH USDEL FPJMC to COMUSMACV, 101730Z February 1973; Subject: Summary of US DEL, FPJMC, 10 February 1973, WNRC 319-74-051, Box 29, folder 6; Copy of Questions and Answers, G. H. Woodward to Bruce Woodward, 16 May 1973, in author's possession; Memorandum, n.d., Subject: Scope of Diplomatic Privileges and Immunities of the JMC and Talking Paper on Privileges and Immunities of FPJMC, 11 February 1973, both in WNRC 319-74-051, Box 10, folder 11.
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23. Talking Paper, 11 February 1973, Subject: Privileges and Immunities of FPJMC, FPJMC Chiefs' Meetings, 13-19 February 1973, Book 2, WNRC 319-74-051, Box 27.
24. Talking Paper, FPJMCOP, 16 February 1973, FPJMC Chiefs' Meetings, 13-19 February 1973, Book 2, WNRC 319-74-051, Box 27.
25. Message, CH USDEL FPJMC to COMUSMACV, 17 February 1973, Subject: Summary of US DEL FPJMC, 17 February 1973, WNRC 319-74-051, Box 29, folder 6.
26. Talking Paper, FPJMCOP, 23 February 1973, Subject: Privileges and Immunities of FPJMC, FPJMC Chiefs' Meetings, 20-27 February 1973, Book 3, WNRC 319-74-051, Box 27.
27. Message, CH USDEL FPJMC to COMUSMACV, 281025Z February 1973, Subject: Summary of Central FPJMC Meeting, 28 February 1973, WNRC 319-74-051, Box 29, folder 6.
28. Talking Paper, FPJMCOP, 2 March 1972, Subject: DRV Draft Minutes of Agreement on Privileges and Immunities, FPJMC Chiefs' Meetings, 28 February-17 March 1973, Book 4, WNRC 319-74-051, Box 27.
29. Message, CH USDEL FPJMC to COMUSMACV, 011145Z March 1973, Subject: Summary of Central FPJMC Meeting, 1 March 1973, WNRC 319-74-051, Box 18, folder 19.
30. Memorandum, Col. George T. Balzer, 1 March 1973, Subject: 010930H Meeting of the Operational Procedures Subcommittee, WNRC 319-74-051, Box 29, folder 11; General Wickham's Book (Tab A), WNRC 319-74-051, Box 28 (not in a folder).
31. Message, CH USDEL FPJMC to COMUSMACV, 031134Z March 1973; Subject: Central FPJMC Meeting, 3 March 1973, WNRC 319-74-051, Box 18, folder 19.
32. Message, CH USDEL FPJMC to COMUSMACV, 031134Z March 1973. Subject: Summary of US DEL FPJMC 16 March 1973, and Message, CH USDEL

FPJMC to COMUSMACV, 191215Z March 1973, Subject: Central FPJMC Meeting, 19 March 1973, both in WNRC 319-74-051, Box 29, folder 6.

33. Message, CH USDEL FPJMC to COMUSMACV, 191215Z March 1973, Subject: Central FPJMC Meeting, 24 March 1973, WNRC 319-74-051, Box 18, folder 19.

34. Complete deployment statistics are in the daily reports, "Deployment Status, JMC-ICCS," WNRC 319-74-051, Box 29, folder 19; Report, CH USELM RGN V, 12 March 1973, Subject: Cease-Fire Violation Investigation After-Action Report: CH-47 Incident (Final Report), WNRC 319-74-051, Box 32, folder 5.

## 6

# THE FAILURE OF THE CEASE-FIRE: PEACE WAS NOT AT HAND

*The signing of the Agreement created the false impression that the cease-fire had ended the war.*

Sir Robert Thompson  
in *Peace Is Not at  
Hand*, 1974

*The accomplishments of the Four-Party Commission must be weighed against the failure to establish a fully effective cease-fire. The South Vietnamese and PRG were not willing (in the absence of an effective investigative organization which was willing to affix responsibility) to stop the fighting.*

Major General G. H. Woodward  
in Final Report, US Delegation,  
Four-Party Joint Military Commission

One of the major tasks of the Four-Party Joint Military Commission was to stabilize the cease-fire. At the first meeting of the chiefs of delegation, General Woodward stated flatly that the cease-fire was still not fully effective and declared that the chiefs should advise their authorities of the need to issue instructions to cease fire in place. From this, after much

debate, came the Joint Appeal of the Central Four-Party Joint Military Commission.<sup>1</sup>

In the first meeting, the chiefs agreed that the central commission should request commanders to respect the cease-fire provisions of the Paris Agreement and Protocols, including insuring compliance with orders to end hostilities completely.<sup>2</sup> The Viet Cong soon proposed that, since the shooting had not stopped, the central commission issue a cease-fire resolution. They provided a draft that noted that the progress of the cease-fire was unsatisfactory and that all armed forces must stop fighting. Among the arrangements to bring this about was a proposal for opposing commanders in the field to meet and agree on temporary measures to avert conflict and insure supply and medical care. General Weyand had had similar concerns several months earlier when he and his planning cell had drafted the proposed military commanders' agreement.

The Viet Cong proposal, ironically, called for the regional commissions and joint military teams to be deployed and expressed confidence that the cease-fire would be implemented successfully. The key point in this draft was the meeting of opposing commanders in the field, in accordance with Article 4 of the Protocol on the Cease-fire and the Joint Military Commissions. The South Vietnamese disagreed. General Dzu insisted that, prior to any meeting of commanders, the shooting must stop, the field organization of the Four-Party Commission must be in place, and areas of control must be determined.

Woodward observed that the implementation of this particular article did not require any action by the United States, but that the cease-fire was gradually becoming more effective, with fewer incidents each day. In agreement with Dzu, he argued that the presence of the regional commissions and the joint military teams would restrain commanders more effectively than would the proposed meetings between them. His point was that the cease-fire should occur irrespective of a central commission resolution. When the North Vietnamese and Viet Cong continued to press for the proposed resolution, General Woodward suggested that the two South Vietnamese parties agree to the concept of a test case on the implementation of Article 4. The results of the test would determine the course of the central commission's future actions. The South Vietnamese supported this idea, but the other two parties objected. Generals Hoa and Tra reserved their discussion to another meeting. General Woodward left the meeting with the impression that the North Vietnamese and Viet Cong were interested in a cease-fire resolution only for propaganda purposes; none of the Vietnamese parties were eager to implement the cease-fire completely since all three were still trying to extend their areas of control.<sup>3</sup>

When the North Vietnamese introduced a new draft proposal, it differed little in substance from the earlier Viet Cong document. The South Vietnamese continued to object to any meetings of opposing commanders. The Communist chiefs dropped this from the proposal and left it for further discussion, which was delayed until the draft could be studied by the South Vietnamese and American delegations.<sup>4</sup>

General Woodward decided to support the North Vietnamese draft of the joint appeal with some slight changes. The United States wanted the term "armed police" to be dropped from the appeal to make the wording consistent with that of the Paris agreement and protocols. The United States also changed the phrase "either party" to "the Parties" so that the North Vietnamese Armed Forces in South Vietnam would implicitly be included, despite Hanoi's continued insistence that none were there. Other proposed changes to the appeal were minor in nature.<sup>5</sup>

The revised draft was not discussed again until the tension of the first prisoner release had subsided. The chiefs then agreed that enforcement of the cease-fire was the agenda item of highest priority. At this point, the new South Vietnamese delegate, General Dong, argued that the draft actually had little value; a more effective way to stabilize the cease-fire, he suggested, would be for the South Vietnamese and Viet Cong high commands to issue orders to implement the cease-fire strictly. General Tra could not resist this opportunity to score a propaganda point. He professed shock that General Dong talked of issuing such orders so late after the Paris peace accords had been signed. Tra claimed that the Viet Cong had already issued such directives. To show their sincerity, the Viet Cong were prepared to take additional steps, to include issuing the joint appeal, an action that should receive wide dissemination through the mass media. Woodward noted that the chiefs had already agreed to issue the joint appeal, but positive action by commanders would have greater practical value in prohibiting hostile acts. The North Vietnamese supported Tra and urged the chiefs to issue the appeal immediately, then proceed to discuss the details of implementing the additional articles of the cease-fire protocol.

After consulting the South Vietnamese Prime Minister's office, General Dong agreed to discuss the joint appeal, but he would not agree on the contents. Additional discussion was deferred to the deputy chiefs' meeting the following day. General Woodward left the debate feeling the South Vietnamese were in an awkward position because the substance of the joint appeal was extracted from the cease-fire protocol, to which the South Vietnamese were signatory.<sup>6</sup>

When the deputies met, all agreed on the importance of a joint appeal and its effective execution. Each party would disseminate the appeal to its



own forces and to its own press contacts. At this juncture, the South Vietnamese deputy admitted that he did not have authority to reach agreement on the final wording of the draft. He told General Wickham privately that the appeal had to be checked personally with President Thieu, but that it would be done that night as an urgent matter. The South Vietnamese felt it was clear the two Communist parties wanted the appeal for the purpose of influencing press opinion against Saigon's ongoing operations to recover territory seized by the Communists during last-minute land-grabbing operations; they were not yet ready to accept and promulgate a cease-fire appeal. The American deputy reiterated the importance of implementing the cease-fire and proposed that the matter be referred for a final decision to the chiefs' meeting the next day. The tenor of the deputies' meeting was that the North Vietnamese and Viet Cong appeared eager to reach agreement on the appeal. But the South Vietnamese deputy obviously appeared strained as the meeting progressed and his stalling became more apparent.<sup>7</sup>

The chiefs of delegation did not meet again until the deputies had resolved the problem of the joint appeal. Final agreement was reached in two sessions after acrimonious charges of cease-fire violations were exchanged at length by the South Vietnamese and Viet Cong. The morning session had not been productive, and General Wickham opened the afternoon meeting with a plea to the other deputies to address concrete issues on a straightforward basis and with the spirit of "national reconciliation and concord" that had been pledged in Paris. The North Vietnamese deputy agreed, and the South Vietnamese and Viet Cong assumed a more rational attitude.

Although the South Vietnamese deputy tried at first to make his decision to reach final agreement on the appeal contingent on concurrent discussion of points of entry for replacement material, he eventually agreed to resolve the joint issue before proceeding to two-party discussions. Perhaps as a face-saving gesture, he proposed a minor editorial change to the North Vietnamese draft as amended by the United States. The change was accepted by all four parties. The deputies next agreed upon maximum dissemination of the joint appeal through military channels and the mass media. Although the delegates recognized that rapid dissemination was difficult over the Viet Cong communications system, they urged that no more than 5 days be taken. Agreement was reached on releasing the joint appeal to the press at noon on 17 February.<sup>8</sup>

At their meeting on 17 February, the chiefs confirmed the results of their deputies' session the day before. They also agreed that the regional commissions would conduct inspections during the next week to verify the

dissemination of the appeal to the armed forces of the parties to the cease-fire. In addition, the central commission would conduct spot inspections.<sup>9</sup>

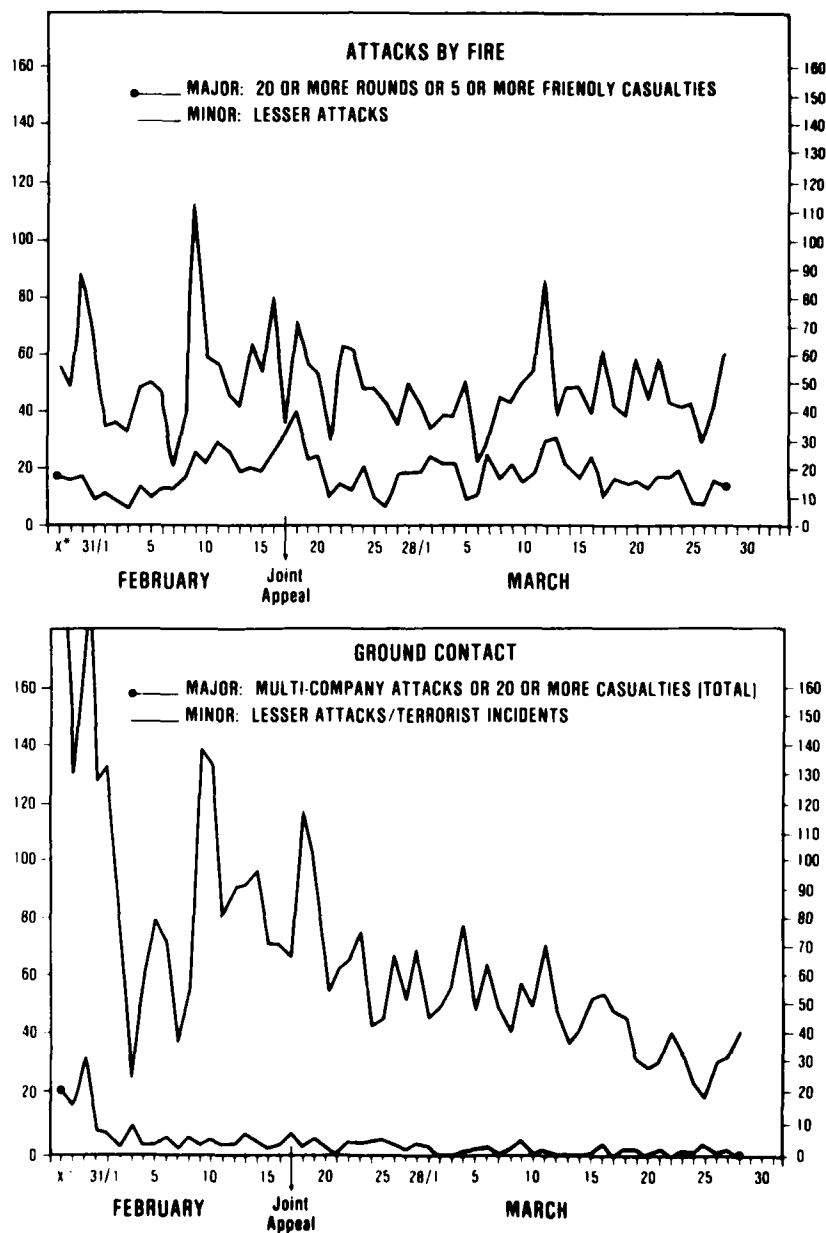
Because all three Vietnamese parties were unwilling to stop the fighting, there was no sudden, dramatic decline in the level of combat in South Vietnam despite the joint appeal and the efforts of the United States. In the month after the appeal was issued, there was a slight decrease in the daily number of minor attacks by fire, but the number of major attacks by fire increased by about the same amount. On the other hand, the number of daily minor ground contacts and terrorist incidents decreased significantly within several days of the issuance of the joint appeal, and the number of major ground contacts continued to decrease.<sup>10</sup> (See figure 2.)

In their continuing effort to bring about a more effective cease-fire, the US Delegation participated in several attempted investigations of major cease-fire violations. One was the investigation at Sa Huynh at the request of the Viet Cong delegation. The delegation also responded to a US request concerning the shooting down of an American CH-47 helicopter on Highway 13 north of Saigon. In another case, the Americans tried to force the issue with regard to the alleged installation of anti-aircraft missile sites by the Communists in the Khe Sanh region. The US representatives also supported efforts to stop the fighting at Tonle Cham so South Vietnamese wounded could be evacuated. The American experience in each of these efforts demonstrated the frustrations of dealing with all the Vietnamese parties, particularly the North Vietnamese and Viet Cong, to bring about an effective cease-fire—or even significantly reduce the level of combat.

On 19 February, the Viet Cong, supported by the North Vietnamese, charged that the South Vietnamese had committed major violations of the cease-fire in the Sa Huynh area of southern Quang Ngai Province. General Tra accused the South Vietnamese of launching large-scale attacks with main forces on 1 February and continuing these attacks, supported by artillery, armor, and aircraft. He proposed that the central commission dispatch a joint team to investigate. The South Vietnamese delegate responded by accusing the Viet Cong of violating the cease-fire by attacking South Vietnamese-controlled territory in the Sa Huynh area at 1310 hours on 13 January; South Vietnamese military forces subsequently exercised their right to self-defense. The delegate charged that the Viet Cong were attempting to secure Sa Huynh as a coastal point of entry for replacement material. The chiefs of delegation agreed to dispatch a team to investigate.<sup>11</sup>

The team, with members from all four parties, left for Da Nang by air the following morning. Upon arrival, the team proceeded to the Region II

FIGURE 2  
CEASE-FIRE VIOLATION RATE



Source: Deputy Chief of Delegation Information Book WNRC 319-74-051 Box 28

\*Armistice begins

conference site and met briefly with the South Vietnamese and American regional chiefs to discuss support requirements. The Viet Cong representative on the team was asked to provide radio frequencies and locations at which to interview Viet Cong officials. At this point, the Communist representatives began to delay. Instead of responding to the request for specific information, they began a discussion of team procedures that lasted for several days. At no time did they provide the locations and frequencies or make concrete suggestions on procedures.

Lieutenant Colonel Robert M. Pugmire, Jr., the senior American team member, reported this situation to the US Delegation in Saigon throughout the period. Several times, the South Vietnamese representative suggested departure times for Sa Huynh, but the suggestions were ignored by the North Vietnamese and Viet Cong. By noon on 21 February, it had become evident that the Communist representatives did not intend to travel to Sa Huynh. Late in the evening of 21 February, the US representative tactfully proposed that the Viet Cong delegation reconsider the situation and perhaps suggest to their superiors that an honest mistake had been made, that no South Vietnamese cease-fire violation had occurred. This approach was also ignored.

In a telephone discussion with General Wickham early on 23 February, Pugmire reviewed the outcome of the previous sessions and discussed plans for the coming morning session. Pugmire suggested that if no apparent progress were made, he would invite all parties to proceed to Sa Huynh at 1230 hours that day. General Wickham agreed and suggested that the final statement from the US representative be worded to hold the North Vietnamese and Viet Cong responsible for the failure of all four party representatives to go.

During the session that followed, the Communist team ignored the American suggestion for cooperation, information, and arrangements to proceed to Sa Huynh. Instead, they suggested that the joint team meet twice daily in Da Nang and repeated their position on the necessity to discuss procedures. No progress was made during the remainder of the session. At 1100 hours, Pugmire endorsed the proposal of the South Vietnamese representative to depart for Sa Huynh at 1230 that day. He declared that because of North Vietnamese and Viet Cong procrastination these "two parties must accept full responsibility for intolerable delays and the ultimate collapse of these proceedings." Each party was invited by name and delegation to join in the trip to Sa Huynh. The failure of any party to meet at the helicopter pad would result in the assumption that that party was willfully refusing to conduct the investigation. When the US team members left the conference room, more than 23 hours of fruitless discussions had taken place.

The South Vietnamese and American joint team members met at the helicopter pad at the appointed time. The other two parties did not appear, so they departed. They arrived at Duc Pho and were immediately briefed by Brigadier General Nhut, commander of the 2d ARVN Division. General Nhut indicated that Highway 1 was open and under South Vietnamese control throughout Quang Ngai Province. General Nhut also noted that attacks on his positions had continued past the effective time of the cease-fire (3:00 a.m. local time on 28 January), resulting in the loss of a fire-support base on 29 January. His forces regained control of the base on 19 February and were presently in control of the Sa Huynh area.

After this discussion, the group, accompanied by General Nhut, drove by jeep from Duc Pho to Sa Huynh, where the team members and their escorts walked the length of the village. They next drove south to Tam Quan in Binh Dinh Province and talked with the district chief. On their return trip, before reentering Quang Ngai Province, the column of vehicles received small-arms fire from a westerly direction but continued to move. There were no casualties.

During the trip, the American team observed that all inhabited areas along Highway 1 were protected by South Vietnamese forces. The villages gave a warm welcome to the team and displayed pro-South Vietnamese banners. Recent attempts at interdiction of the highway had obviously been made: the highway was pockmarked with nine craters, and three corpses were observed at one of the ambush areas. The team also saw South Vietnamese military engineers repairing culverts, bridges, and the roadway itself. South Vietnamese flags were painted on the houses and frequently displayed along the highway. Three Viet Cong flags were observed west of the highway north of Tam Quan in Binh Dinh Province. The effect of recent artillery attacks was observed in populated hamlets, where a number of houses were burned or otherwise damaged. The American team concluded that no evidence was available to support the Viet Cong charge of a South Vietnamese cease-fire violation. They returned to Saigon on 23 February.<sup>12</sup>

Unfortunately, without the participation of the Communist members and without the opportunity to interview the local Viet Cong and North Vietnamese troops and commanders, the investigation was unlikely to have turned out any other way. What could be determined was that extensive fighting had taken place near Sa Huynh in violation of the cease-fire protocol. What could not be determined was who had initiated it. That one side would defend itself with all means available when attacked was acceptable to all the parties. The refusal of the North Vietnamese and Viet Cong to accompany the American and South Vietnamese team members into the area is difficult to explain, however, unless they were motivated by fear that

the evidence would reveal their forces were guilty. The subsequent ICCS investigation suggested that the Communist delegates were justified in that fear.

The ICCS encountered a similar Viet Cong refusal to cooperate or participate when it separately investigated the Viet Cong allegations of South Vietnamese cease-fire violations in the Sa Huynh area. The ICCS regional team conducted its investigation on 25 February without Viet Cong representation. It reported that, on that date, the South Vietnamese Armed Forces were finally in control. In addition, the ICCS team, which was composed of two members each from the Canadian, Indonesian, Polish, and Hungarian regional delegations, reported unanimously that villagers stated that the South Vietnamese were in control when the cease-fire took effect on 28 January. When the report was received at ICCS headquarters in Saigon, Hungarian Ambassador Ferenc Esztergalyos, the current chairman of the ICCS, refused to forward it to the Four-Party Commission, claiming the report was incomplete without Viet Cong participation.

The Sa Huynh investigations by the commission and ICCS teams pointed out the difficulty of bringing about an effective cease-fire, on the one hand, and of affixing responsibility for violations, on the other. The real victims were the populations in the areas where the conflict still raged. Intent only on surviving as best they could in the uncertain circumstances following the signing of the Paris accords, they may naturally have tended to offer evidence that supported whichever side had military control of the locality at the time of the investigation. The American team, aware of this, could not—and did not—exonerate either South Vietnamese or Communist forces. They simply couldn't find concrete evidence to affix responsibility in a way that would hold up. Much the same happened to the ICCS teams. It is possible to assume that witnesses were coerced, or that only those witnesses were made available who favored the side in possession of the territory at the time of the investigation teams' arrival. There was some contrary evidence in June 1973 that Sa Huynh itself was in the hands of Communist forces during the night before the cease-fire was to go into effect. That does not mean, however, that the battle for the town itself had stopped because of the entry of soldiers from one side or the other. A battle in progress is never easy to halt.

At least three questions must be addressed when analyzing the responsibility for cease-fire violations, such as that which took place at Sa Huynh. One is the strictly legalistic one of who had possession at the time the Paris Agreement went into effect. The second is the question of who started the battle. Finally, if the battle raged through the time the Paris Agreement and Protocols came into effect, there is the question of who

ultimately ended up with possession of the town. In the case of Sa Huynh, the answer to the first question is not clear. The evidence appeared questionable and contradictory enough to both the commission and ICCS teams for them to be unable to reach a final conclusion about who was legally responsible for violating the cease-fire. The weight of the available evidence indicates it was the Communists, but even here the hesitation of the Americans in assigning blame or extending exoneration suggests caution in reaching a firm conclusion. The answer to the second question, who started the battle, seems clearer. Not even the Communists, or their supporters, insisted that the South Vietnamese started the battle. Rather, their argument relied on the unclear answer to the first question. Finally, there is little doubt that at the battle's conclusion the South Vietnamese held the town. All members of the commission and of the ICCS agreed on this point.<sup>13</sup>

Considering the danger and terror caused by the widespread fighting that began several days before the cease-fire was to be implemented, the confusion of witnesses is understandable. The real issue in any case was not necessarily agreement on who held embattled territory on the morning of 28 January in South Vietnam; more important was subsequent agreement on respective areas of control once the fighting stabilized. Because the cease-fire never really was achieved and the four-party teams never fully deployed, such critical agreement was impossible.

What should have been possible was the investigation of cease-fire violation incidents that clearly occurred after the effective date of the Paris accords and that clearly were unrelated to battles in progress at that time. On the same day that the central commission approved the dispatch of the team to Sa Huynh, the Viet Cong agreed to an investigation of the shooting down of an American CH-47 helicopter. This helicopter, which had crashed several days earlier along Highway 13 between Chon Thanh and An Loc, had been transporting furniture and construction materials to An Loc to improve the North Vietnamese and Viet Cong joint team site there. Returning from the first of several planned sorties, the aircraft was hit by fire from the ground. One crew member was killed, and the rest were wounded. The helicopter was aflame when it struck the ground and completed burning after the crash. The crew members were evacuated by other American helicopters responding to calls for help. These rescue aircraft were also taken under fire until they reached a point south of Chon Thanh.

American and South Vietnamese members of the regional commission at Bien Hoa, Region V, formed part of the investigating team; the North Vietnamese and Viet Cong members were dispatched from Saigon. The team met at Bien Hoa on the morning of 20 February and departed for the crash site that afternoon in aircraft bearing commission markings.

On arrival at the crash site, all parties inspected the wreckage. At this point, the North Vietnamese and Viet Cong demonstrated their lack of real interest in conducting a thorough investigation. Their examination was cursory, lasting about 10 minutes. They waited on the roadway while the American members photographed the site and wreckage and sifted through the remnants of the helicopter with the South Vietnamese. The Communists refused to examine the wreckage for physical evidence to determine whether the aircraft had been armed. The team left the crash site by late afternoon, and the Communist members departed for Saigon shortly after their arrival at Bien Hoa without discussing the investigation.

As they had during the Sa Huynh investigation, the North Vietnamese and Viet Cong began to delay the investigation by arguing over procedures. After 4 days of argument over numbers and identification of witnesses, the aircraft commander was finally interviewed on 24 February at the central commission conference site in Saigon. Following several more days of disagreement, the investigating team returned to the crash site to interview a Viet Cong officer who claimed he had witnessed the crash. For another week the investigating team remained deadlocked by disagreement, primarily between the South Vietnamese and Viet Cong, over the number of witnesses to be interviewed. By 5 March, it was clear that an impasse had been reached. As a result, the South Vietnamese proposed that the investigation be referred to the ICCS. The American member noted that each party could submit unilateral findings and conclusions to the central commission in Saigon.

Americans from Region V continued the investigation unilaterally. They concluded that the CH-47 was unarmed and not carrying war materiel, that the aircraft did not provoke the incident by hostile acts during the course of its flight, and that the crash was caused by hostile fire from North Vietnamese or Viet Cong forces in the area.<sup>14</sup>

The issue of the missile sites in the Khe Sanh area was brought before the chiefs of delegation on 26 February. Introducing photographic evidence supplied them by the United States the night before, the South Vietnamese protested the introduction of SA-2 missiles into the Khe Sanh area. General Dong observed that a cease-fire violation of this type threatened to reignite the war. Noting that previous investigations by the Four-Party Commission had been ineffective, he proposed forwarding his protest to the ICCS. Both the North Vietnamese and Viet Cong rejected the South Vietnamese charges, and the Viet Cong claimed that the evidence was forged.

General Woodward stated that the US Government would view the introduction of the missiles at Khe Sanh with extreme gravity. He observed



that it was not the intention of the cease-fire to allow one side to build bases where they previously did not exist. Such violations could not be tolerated, and the American chief warned that the United States would reserve the right to take any action it considered necessary.<sup>15</sup>

Several days later, General Woodward pressed the issue again. Warning the North Vietnamese that the United States viewed the installation of the missiles with "urgency and gravity," he pointed out that the Communists were denying the existence of the missile base despite photographic evidence to the contrary. He told them the United States considered this to be worse than a cease-fire violation; it was a provocation. Because he considered their denials of the existence of the complex as a refusal to conduct an investigation, he was asking the ICCS to investigate. He also declared he would no longer avoid making a clear distinction between North Vietnamese and Viet Cong responsibility; the missiles belonged to the North Vietnamese and had been installed by them. He demanded that the missile sites be dismantled and the missiles and accompanying anti-aircraft batteries be withdrawn from South Vietnam. Once again, Woodward warned the North Vietnamese that the United States reserved the right to take whatever steps it deemed appropriate.

Predictably, General Hoa continued to deny the existence of the missile bases and particularly protested the charge that the North Vietnamese were directly responsible. At this point, General Woodward challenged General Hoa to accompany him to Khe Sanh to see the missiles. The American chief said they could travel by U-21 aircraft, which could land on the airstrip that the North Vietnamese had improved since 28 January. General Hoa did not respond.<sup>16</sup> Although the ICCS refused to investigate, some of the missiles were removed over the next several days.

The issue was not raised again in the central commission until late March. Amid growing evidence that the North Vietnamese and Viet Cong were moving large amounts of supplies and war materiel into South Vietnam and the adjacent border areas of Cambodia and Laos, the construction of yet another missile site was discovered in the Khe Sanh area. On 23 March, General Woodward protested that "evidence has been obtained to confirm near Khe Sanh a new missile field site located approximately 800 meters to the east of the easternmost site of the previous three missile sites." He warned once again that the United States reserved the right to take necessary action. The Viet Cong rejected the American protest, claiming there had been no movement or redeployment of Viet Cong forces since the cease-fire began. General Tra accused the United States of trying to rekindle the war and demanded that the Americans be more moderate in their statements.

The North Vietnamese were less strident in their response to the American charges. They supported the Viet Cong position and observed that the "US threat to take necessary action" was an improper method of negotiation. Although all parties knew that the armament belonged to the North Vietnamese, at no time would the North Vietnamese admit to having troops in South Vietnam.

The South Vietnamese supported the United States, noting that the emplacement of missiles in firing positions was a clear violation of the Paris Agreement and Protocols and was more provocative than statements made in Saigon. They suggested that the Four-Party Commission dispatch a team to Khe Sanh to determine if the charges were true. But a team was never dispatched. In the flurry of excitement over the release of the prisoners held by the Pathet Lao and the sudden order to withdraw the US Delegation, the Khe Sanh missiles were not mentioned again. Moreover, as increasingly incriminating revelations about Watergate weakened President Nixon's power to act independently, especially concerning strong military action in Vietnam, few took seriously Woodward's threats to take "necessary action." This incident once again illustrated the inability of the Americans to bring about an effective cease-fire in the face of the unwillingness of the Vietnamese parties to do so.<sup>17</sup>

The Tonle Cham incident demonstrated the ability of the South Vietnamese and Viet Cong to cooperate when the interests of the Viet Cong were not threatened, that is, when there was no responsibility to be affixed for cease-fire violations. On 17 March, the chiefs of the delegation met in an urgent session called by the South Vietnamese. General Dong accused the Viet Cong of conducting large-scale attacks on South Vietnamese forces at Tonle Cham, 15 kilometers southwest of An Loc. The South Vietnamese were under heavy pressure, unable to evacuate their wounded, and might be forced to withdraw. General Dong demanded that the Viet Cong halt the attacks and asked the central commission to dispatch a team to conduct an investigation. The Viet Cong responded that the situation at Tonle Cham was unclear and discussion of sending an investigating team was premature. The North Vietnamese pointed out that the dispatch of a team in the middle of heavy fighting was impractical. The South Vietnamese proposal requesting an ICCS investigation met with similar resistance.

At this point, the American delegate noted that the situation at Tonle Cham gave the South Vietnamese and Viet Cong an opportunity to implement those parts of the protocols that called for meetings of opposing commanders. Rather than sending an investigation team to affix blame, the two parties involved could direct their commanders in the area to meet and make arrangements to cease hostilities and evacuate the wounded.

The American proposal floundered at first over disagreement between the South Vietnamese and Viet Cong about the appropriate level at which to hold the commanders' meetings.<sup>18</sup> The issue was not discussed again for almost a week. On 22 March, in the two-party talks, the South Vietnamese proposed a 2-hour truce so that the wounded could be evacuated. Agreement could not be reached, and the following day the South Vietnamese introduced the idea into the Four-Party Commission chiefs' meeting. This time, the South Vietnamese were careful to stress that Tonle Cham was not being raised as a protest but only as a question of humanity. General Hiep, sitting in for his chief, observed that no investigation had been made and it was therefore impossible to say which side had committed a violation. This softened South Vietnamese attitude elicited a similar response from the Viet Cong. General Tra proposed a 2-hour cease-fire for late that afternoon, and the South Vietnamese agreed. Unfortunately, coordination problems developed, and evacuation did not occur that evening.<sup>19</sup>

The following day, these difficulties were overcome. A local cease-fire at Tonle Cham was achieved, and South Vietnamese helicopters marked with red crosses evacuated 26 wounded soldiers. The South Vietnamese and Viet Cong liaison officers met with the ICCS to discuss investigating the Tonle Cham incident, but the Viet Cong prevented initiation of the investigation by refusing to provide a guarantee of safety for the ICCS investigating team.<sup>20</sup>

These and many other incidents of cease-fire violations that remained unsatisfactorily resolved, much less investigated, illustrated the frustrating complexities of attempting to bring about an effective cease-fire in South Vietnam. There is no simple way to explain what happened without assuming ideological stances that, while comforting, do not aid understanding.

Why was the cease-fire ineffective despite the time and effort that General Woodward and the US Delegation spent trying to bring it about? There were many factors, each reflecting the differing interests of the four parties to the Paris Agreement and Protocols. Only in one area was there common understanding. All four parties realized and accepted one issue as not negotiable or susceptible to more than the clearly understood linkages agreed in Paris: the return of the American prisoners of war, connected only to American troop withdrawals. That aside, however, enforcing the remainder of the Agreement and Protocols was beyond the power of the United States to influence through negotiation. Only military intervention or the credible threat of force might have an effect, but, as long as the prisoners were returned, this was not possible because of increasingly strong political constraints.

Because the United States in the Paris negotiations had tacitly accepted the North Vietnamese denial that they had deployed forces in South Vietnam, even though they had formally invaded across the demilitarized zone in the spring of 1972, General Woodward's hands were tied when North Vietnamese violations were detected. Only when there was clear evidence such as the before-and-after photographs of the missile arrays around Khe Sanh—though even these were disputed and declared forgeries by the Communists—was it possible to press the North Vietnamese to take any action, however slight. On other occasions, Hanoi could act with impunity, taking advantage of American involvement with other concerns. This was the case with their reintroduction of missiles at Khe Sanh following their removal after the initial protest.

The Agreement and Protocols required unanimity of decision by both the Four-Party Joint Military Commission and the International Commission of Control and Supervision. Where the interests of any of the Vietnamese parties were affected, particularly the North Vietnamese and Viet Cong, unanimity was not possible within the Joint Military Commission. The Americans could and did pressure the South Vietnamese to cooperate to some extent, but to little lasting effect as the American withdrawal proceeded. It seemed to the US delegation that the Hungarian and Polish contingents within the ICCS generally reflected the views of the North Vietnamese and Viet Cong, while the Canadians and, to a lesser degree, the Indonesians made an honest attempt to be impartial, but to no avail. No single cease-fire investigation completed was ever approved by all four parties in either commission. Although separate views could be presented formally and several two-party (US and South Vietnamese) investigations were concluded, these had no force.<sup>21</sup>

The failure of the North Vietnamese and Viet Cong delegations to deploy fully to field sites hindered the operation of the military commission. Given the positions taken by Hoa and Tra in Saigon toward investigating cease-fire violations, it is unlikely that much would have been achieved even with a full deployment. In any case, given the Communist delaying tactics, whether the issues were privileges and immunities, security, or facilities, it was clear they did not intend that the four-party organization would ever become effective. In retrospect, the evidence seems clear that all of the Vietnamese parties were bent on continuing the struggle once the American withdrawal was completed.

The Thieu government of South Vietnam has long been the target of much criticism, despite the fact that it was the most stable government during the period of American participation in the Vietnam war. The government was generally acceptable to the South Vietnamese people and was overthrown only by North Vietnamese military force. Much of the

criticism is perhaps deserved if the Thieu government is viewed by standards that derive from the Western, particularly the American, political tradition. The irony is that the Hanoi Politburo was rarely held to account by the same standards. While tolerant of the North Vietnamese, critics of South Vietnam refused to judge Thieu by the relative standards of democratic government generally found in other Asian countries or even other developing nations around the world.<sup>22</sup>

It is also worth noting that the entire negotiating process in Paris, which began and continued at American insistence, whether in open sessions or in private talks between Kissinger and Tho, legitimized the Viet Cong as well as recognized the results of the North Vietnamese invasion. Defeated in Paris, Saigon resolved to hold on in South Vietnam; Thieu was unwilling to be passive and permit Viet Cong and North Vietnamese landgrabbing operations to continue without resistance. It was, after all, his country.

Why, then, did the members of the US Delegation spend so much time and effort in fruitless attempts to bring about an effective cease-fire, or, failing that, to reduce the level of fighting? Certainly, Woodward and Miles realized from their discussions with Kissinger in Paris that some basic provisions of the Agreement and Protocols would not be implemented or observed during the prescribed initial 60-day period. They knew that some were not even capable of enforcement. Their experience with the negotiating process in Paris as early as November 1972 led them to realize that MACV and, subsequently, the US Delegation would be asked to resolve fundamental issues such as control of territory, which related in turn to the status of forces in that area. Yet the final Agreement and Protocols did not provide for a commitment by all the parties to divulge, much less have inspected, those territories or forces.<sup>23</sup>

Woodward and his advisers in the US Delegation, both during the planning process and later, during the operation of the commission, believed that the only way to overcome this fundamental weakness in the Agreement and Protocols was to deploy commission and ICCS teams with representatives from all parties as fully and as early as possible. Whether or not these teams reached unanimous agreement over such complicated questions as who committed cease-fire violations, especially in the opening days, was not as important as the stabilizing effect their presence and surveillance might have had. The strength of the American delegation's—and Weyand's—belief in the effectiveness of this approach helps explain why extensive MACV resources were quickly diverted to prepare more-than-adequate facilities for these teams when the South Vietnamese failed to do so; the MACV and delegation outlook seemed to be that no obstacle that the Americans could overcome would be allowed to prevent

the full deployment of the supervisory mechanism to the maximum extent possible. This outlook was also a major motivating factor in American pressure on the South Vietnamese to accord functional diplomatic privileges and immunities to the Communist delegations.

Once the cease-fire enforcement machinery was in place, the American analysis seems to have concluded that the cease-fire could have been effected, or, at the worst, the level of fighting could have been reduced. In their intensive efforts to bring about a cease-fire, the US Delegation was motivated by several factors. As a military organization, they were oriented both individually and as a group toward mission accomplishment. The mission statement under which the Americans operated described their mission as follows:

The Four-Party Joint Military Commission has the task of insuring joint action by the parties in implementing the agreement by serving as a channel of communication among the parties, by drawing up plans and fixing the modalities to carry out, coordinate, follow and inspect the implementation of the provisions mentioned in Article 16 of the Agreement, and by negotiating and settling all matters concerning the implementation of those provisions.<sup>24</sup>

From this mission statement and the Paris treaty itself, the US Delegation derived its initial specific tasks. An examination of Article 16 and the attendant Protocol on the Cease-Fire in South Vietnam and the Joint Military Commissions reveals major emphasis on cease-fire implementation, enforcement, supervisory machinery, and violation investigations, exclusively so in the Protocol and almost equally so in Article 16 of the basic agreement once provisions on prisoner returns, base dismantlement, and US and FWMAF force withdrawals were removed as serious points of contention in commission deliberations. Consequently, all debate and activity—or inactivity, in some instances—over facilities, privileges, and immunities related directly to full deployment of commission supervisory machinery and, in turn, to the more fundamental issue of effective implementation of the cease-fire. Woodward himself considered the commission's inability to establish a cease-fire its greatest single failure, perhaps outweighing its accomplishments.<sup>25</sup>

Weyand, Woodward, Bunker, and many members of their respective staffs hoped, perhaps naively, that if the fighting were stopped, a more stable situation would permit a peaceful political solution by the South Vietnamese and Viet Cong to the fundamental issue over which the war had raged for decades: Who is to hold power in, who is to control the government of, South Vietnam. Assuredly, they would have preferred a government oriented favorably to the United States as the ultimate outcome. But they did not believe this would be possible in the absence of a

powerful American military presence unless a true cease-fire permitted a less violent political process to occur. The Americans were not intent on shoring up President Nguyen Van Thieu, but they did want to leave behind a South Vietnamese Government that had a reasonable chance of surviving militarily in the absence of a cease-fire, and politically in a democratic process.<sup>26</sup>

In retrospect, the hope for a cease-fire and peaceful political settlement between the Viet Cong and the South Vietnamese proved a delusion, given the failure of all three Vietnamese parties to implement the cease-fire. Subsequent events reveal more clearly than can any documents or statements the unswerving intent of the Hanoi Politburo to reunite all of Vietnam, and perhaps much of the rest of Southeast Asia, under its rule—by force if necessary.

## **Chapter 6. Notes**

1. Opening Statement of Maj. Gen. Gilbert H. Woodward, Chief, US Delegation, Four-Party Joint Military Commission, at First Meeting of Chiefs of Delegation, Central Four-Party Joint Military Commission, Tan Son Nhut Air Base, Saigon, 2 February 1973, WNRC 319-74-051, Box 15, folder 5.
2. Message, CH USDEL FPJMC to COMUSMACV, 021850Z February 1973, Subject: Summaries of Chiefs' Meeting and Deputy Chiefs' Meeting, FPJMC, 2 February 1973, WNRC 319-74-051, Box 29, folder 6.
3. Message, CH USDEL FPJMC to COMUSMACV, 051635Z February 1973, Subject: Summary of Chiefs' Meeting, FPJMC, 5 February 1973, WNRC 319-74-051, Box 29, folder 6.
4. Message, CH USDEL FPJMC to COMUSMACV, 081440Z February 1973, Subject: Summary of Chiefs' Meeting, FPJMC, 8 February 1973, WNRC 319-74-051, Box 29, folder 6.
5. Talking Paper, 10 February 1973, Subject: Joint Appeal of the Central Four-Party Joint Military Commission, with draft appeal attached, Chiefs' Meetings, FPJMC, 10 February 1973, WNRC 319-74-051, Box 29, folder 3.
6. Message, CH USDEL FPJMC to COMUSMACV, 141750Z February 1973, Subject: Summary of US DEL, FPJMC, 14 February 1973, WNRC 319-74-051, Box 29, folder 6.
7. Message, CH USDEL FPJMC to COMUSMACV, 152020Z February 1973, Subject: Summary of US DEL, FPJMC, 15 February 1973, WNRC 319-74-051, Box 29, folder 6.

8. Message, CH USDEL FPJMC to COMUSMACV, 161700Z February 1973, Subject: Summary of US DEL, FPJMC, 16 February 1973, WNRC 319-74-051, Box 29, folder 6.

9. Message, CH USDEL FPJMC to COMUSMACV, 17 February 1973, Subject: Summary of US DEL, FPJMC, 17 February 1973, WNRC 319-74-051, Box 29, folder 6.

10. Cease-fire violation charts are found in WNRC 319-74-051, Box 10, folders 8-10, and in "General Wickham's Book," Box 28. These are Viet Cong and North Vietnamese violations. Data for South Vietnamese and American violations are not available. Because of the very small and rapidly decreasing numbers of American forces during this period and the tight control kept over them, as well as the fact that the North Vietnamese and Viet Cong delegations did not charge the Americans with any, the logical conclusion is that there were few if any violations. There were some charges of South Vietnamese violations, but not on a regular basis, nor were statistics on them provided by the Communists. The author has used the data available to the US Delegation. They reflect an unreal precision, since in the latter stages, the Americans were largely reliant on data provided by the South Vietnamese. At the same time, two other reporting channels were active in addition to those maintained by the US Delegation and its regional elements and local teams: The US Embassy kept a count through its consular channels, and the South Vietnamese military organization provided similar data to the Joint General Staff. News reports of the time tended to reflect whatever source the newsman tapped on a particular day. Since this study reflects the situation as seen by the US Delegation, the data used in both text and charts is the same used by the American delegation.

Definitions of cease-fire violations used by the US Delegation were:

- a. Attacks by fire (indirect, e.g., mortars, artillery): Major, 20 or more rounds or 5 or more casualties; minor, any lesser number of either.
- b. Ground contacts: Major, multicompany attacks and/or 20 or more casualties; minor, lesser attacks and/or terrorist incidents.

11. Message, CH USDEL FPJMC to COMUSMACV, 191300Z February 1973, Subject: Summary of US DEL, FPJMC, 19 February 1973, WNRC 319-74-051, Box 29, folder 6.

12. Memorandum, FPJMCOP/JMT, 23 February, Subject: Central FPJMC-JMT Proceedings, 19-23 February, and Report, 23 February 1973, Investigation of Alleged Cease-Fire Violation in Sa Huynh Area, Quang Ngai Province, WNRC 319-74-051, both in Box 32, folder 4.

13. Reported by Associated Press in *Stars and Stripes* (Pacific Edition), Friday, 9 March 1973, p. 7.

For a differing interpretation of the events concerning Sa Huynh, see Porter, pp. 190-92, 214-15, 230 (notes 63-66), p. 304 (notes 24-26), and p. 309 (note 75), for a view that supports the Communists. Porter assigns responsibility for a white-wash of South Vietnamese violations concerning Sa Huynh to the Americans on the FPJMC and to the Canadians on the ICCS. He was perhaps misled by the press



accounts he used; the currently available documentary evidence and conflicting press reports lead this author to more uncertain conclusions, although the weight of the documentary evidence surrounding the investigation disputes Porter's contention that the Viet Cong and North Vietnamese were blameless victims in the tragic affair. The author has been unable to discover in any of the delegation's documents—some 40 boxes—an attempt to whitewash the South Vietnamese. Rather, there is convincing evidence of a willingness to get on with the business of the JMC and let the chips fall where they might concerning the violations of the cease-fire. That the United States could itself be legalistic when it came to matters other than the cease-fire is also true, but that is covered elsewhere in this study.

14. Report, R-5 JMC, 12 March 1973, Subject: Cease-Fire Violation Investigation After-Action Report: CH 47 Incident (Final Report), WNRC 319-74-051, Box 32, folder 5.

15. Message, CH USDEL FPJMC to COMUSMACV, 262415Z February 1973, Subject: Summary of US DEL, FPJMC, 26 February 1973, WNRC 319-74-051, Box 29, folder 6.

Sauvageot recalled that the Americans "were not sure about the conclusion to be derived from the evidence [aerial photos], but we decided to 'make the case' for the South Vietnamese." He worked on the English and Vietnamese language the night before the accusation was hurled. "My work was to change an 'analysis' into an accusation." Sauvageot commentary.

16. Message, CH USDEL FPJMC to COMUSMACV, 281025Z February 1973, Subject: Summary of Central FPJMC Meeting, 28 February 1973, WNRC 319-74-051, Box 29, folder 6.

17. Message, CH USDEL FPJMC to COMUSMACV, 231500Z March 1973, Subject: Central FPJMC Meeting, 23 March 1973, WNRC 319-74-051, Box 18, folder 19. For the effect of Watergate on Nixon's freedom of action in foreign affairs, see Kalb and Kalb, pp. 422-49, and Goodman, pp. 176-77.

18. Message, CH USDEL FPJMC to COMUSMACV, 171300Z March 1973, Subject: Summary of US DEL, FPJMC, 17 March 1973, WNRC 319-74-051, Box 29, folder 6.

19. Message, CH USDEL FPJMC to COMUSMACV, 231500Z March 1973, Subject: Central FPJMC Meeting, 23 March 1973, WNRC 319-74-051, Box 18, folder 19.

20. Message, CH USDEL FPJMC to COMUSMACV, 241150Z March 1973, Subject: Summary of US DEL, FPJMC, 24 March 1973, WNRC 319-74-051, Box 29, folder 6.

21. Hinh, *Vietnamization and the Cease-Fire*, pp. 143-46. For US Delegation perceptions of ICCS member nation attitudes, see Fact Sheet, 5 March 1973, "Supplemental Information on the International Commission of Control and Supervision," Box 19, folder 1; Memorandum, 12 March 1973, "Assessment of the Interface Between the ICCS and the Two Parties," Box 22, folder 19; and Memorandum, 23 March 1973, Wickham to Hiep, Box 18, folder 13, all in WNRC 319-74-051.

22. See, for example, Porter, pp. 83-85, 99, 183-84, and passim; Frances Fitzgerald, "Vietnam: Reconciliation," *Atlantic* 233, no. 6 (June 1974): 21; David Halberstam, *The Best and the Brightest* (New York: Random House, 1972), p. 665; Joseph Buttinger, *Vietnam: The Unforgettable Tragedy* (New York: Horizon Press, 1977), pp. 128-37; Abram Chayes, Paul Warnke, and Clayton Fritchey in Morton A. Kaplan et al., eds., *Vietnam Settlement: Why 1973, Not 1969* (Washington, D.C.: American Enterprise Institute, 1973), pp. 49-50, 88-89, 177. Although it is true that the Thieu government was unfairly criticized (both by the ethnocentric using Western or American political culture as a frame of reference and the Hanoi sympathizer viewing the war through ideological filters), a reasonably rigorous analysis will provide grounds for serious criticism of the Thieu government without resorting to ethnocentrism or left-wing sophistry. While recognizing the harshness of the Hanoi regime and the violence with which it trod on human rights, significant numbers of the South Vietnamese population did not perceive Hanoi in such terms during most of the war years. The degree to which the Vietnamese Communists were able to win significant popular support in the South can be understood only in the context of how the Saigon Government related to the population.

A South Vietnamese general officer and Army division commander, in forecasting a Communist victory during a conversation in January 1975, stated that over a period of years he had interviewed a number of Communist POW's; most seemed to have faith in an ultimate Hanoi victory. He said that when asked the basis for their faith, most mentioned one or more of the following three differences between the two sides that they believed favored Hanoi:

Saigon	Hanoi
Corruption (endemic).	Corruption (much less, not tolerated).
Unity (not unified, very fractionalized).	Unity (unified against foreign threat).
Foreign support (US could not sustain high levels of troop and logistical support indefinitely, and when the support would be drastically reduced, the withdrawal symptoms would be fatal for GVN).	Foreign support (maximum use of USSR/PRC support that could be sustained at required level).

The point is that responsible criticism of the Thieu government should be based on what it did (or failed to do) in comparison to the Hanoi regime. Sauvageot commentary.

23. Miles interview and comments on manuscript, November 1980.
24. Briefing Script, slide 3, WNRC 319-74-051, Box 32, folder 3.
25. Final Report, pp. 11-12.

26. Final Report, p. 3; Weyand interview; G. H. Woodward to Bruce Woodward, 16 May 1973, in author's possession; Miles interviews; personal recollections of the author in discussions in Saigon and Washington in 1973, and in Washington from 1974 to the present, with former members of the MACV, the US Delegation, and Embassy staffs; Briefing Script, pp. 8, 28, WNRC 319-74-051, Box 32, folder 3; Kissinger, *White House Years*, pp. 1470, 1474; Goodman, pp. 166-67.

For an opposing view of American motivations, see Porter, pp. 277-78. Porter makes several concluding assertions not supported by the documentary evidence uncovered by this author:

- a. "The US executive's definition of America's interests in Vietnam required that it deny peace to that country from the beginning of its involvement to the very end." This assertion ignores the efforts of the US Delegation to bring about the cease-fire and to urge on Saigon the necessity for the Viet Cong to emerge as a political force.
- b. "The Paris Agreement could not end the war, because Thieu had been assured by the Nixon administration that he would get full US backing for a policy of avoiding political accommodation and continuing the military offensive." The comment above also pertains here. Moreover, Porter ignores the pressures brought on Thieu to accept the Paris Agreement and implement its provisions. That Thieu would not do the latter to American satisfaction should also have been an indication to Porter that American control over its "puppet" was not analagous to that exercised by Hanoi over the Viet Cong.

While Porter's conclusions may be ideologically comforting to some, they seem to be unrelated to the complex realities of the period under review. His book is, however, the best American exposition of the Hanoi point of view. Scholarly analyses of the Vietnam war and American involvement should provide a more balanced assessment. Perhaps through future efforts "it should be possible to view the policies of the parties to the struggle with greater detachment and to discern certain historical realities which were more or less obscure at the time," as Porter himself hopes.

# 7

## **A DIM HOPE AND FEW ILLUSIONS: THE TWO-PARTY JOINT MILITARY COMMISSION**

*Kissinger believed that the most that could be salvaged from the US involvement in Vietnam was a "decent interval" between an American pullout and the possibility of a Communist takeover.*

Marvin and Bernard Kalb, *Kissinger*, 1974

*From an official view of the settlement, should it be honored by all parties, it offered a thin chance of an honorable peace. . . .*

*If the agreement were honestly executed in time, Hanoi's troops would be reduced, and all foreign forces would quit South Vietnam. . . . The trails would dry up, and the problems would be left for settlement by the South Vietnamese alone.*

Weldon A. Brown, *The Last Chopper*, 1976

In addition to the tasks of prisoner release, troop withdrawals, and stabilization of the cease-fire that had initially been assigned to the US Delegation to the Four-Party Joint Military Commission, one more responsibility gradually emerged—to insure that an effective Two-Party

Joint Military Commission was left functioning in South Vietnam when the American delegation returned to the United States. General Woodward and his staff had monitored the progress of two-party talks from the beginning and had encouraged the protagonists to develop the commission, which was required by the Paris agreement and protocols.

The United States first introduced the question of establishing the Two-Party Joint Military Commission at the delegation chiefs' meeting on 4 February. The Viet Cong immediately moved for adjournment. When the meeting ended, however, the South Vietnamese and Viet Cong delegates agreed to move to a separate conference room to discuss the immediate issue of food supplies for the two Communist delegations. General Woodward was later of the opinion that the two delegates apparently had a constructive discussion in what represented the first meeting of the South Vietnamese parties in a two-party context.<sup>1</sup>

At the next chiefs' meeting, the Viet Cong proposed that the two South Vietnamese parties appoint representatives to begin consultations the following day on the establishment of the Two-Party Commission, with the meeting place to be determined by the South Vietnamese. General Tra announced that he would be the senior Viet Cong representative. General Dzu reserved a decision pending approval from higher authority, but he agreed to respond not later than the next day.<sup>2</sup>

Several days later, progress seemed evident. The Viet Cong announced that both they and the South Vietnamese had agreed to form a special subcommission for discussing the formation of the Two-Party Joint Military Commission. The subcommission's first meeting was scheduled for the next day. Meanwhile, another meeting within the two-party context was held during the four-party meeting the day of the announcement. This unscheduled two-party meeting resulted from the South Vietnamese proposal, at American urging, that they discuss with the Viet Cong the question of points of entry for replacement materiel. The Viet Cong and North Vietnamese had argued that the Four-Party Commission was not competent to deal with the determination of points of entry. Instead, they said the matter should be left to the Two-Party Commission or, pending its establishment, to the South Vietnamese and Viet Cong delegations to the Four-Party Commission. The special subcommission just established could be the appropriate forum. General Woodward agreed that replacement of war materiel should be regularized by the two parties concerned and suggested that the United States and North Vietnam take a 15-minute recess to allow the Viet Cong and South Vietnamese to hold two-party discussions. The other chiefs agreed, and the meeting was held.<sup>3</sup>

Similarly, when the question of areas of control was raised several days later, Generals Woodward and Hoa proposed that the issue be referred to the South Vietnamese and Viet Cong delegates. The chiefs of these delegations agreed to discuss areas of control in the special subcommission.<sup>4</sup>

In a private discussion with General Wickham, the South Vietnamese deputy, General Hiep, explained the South Vietnamese position on the formation of the Two-Party Joint Military Commission. His government had been reluctant to establish the Two-Party Commission, he reported, because it wanted to limit the number of Viet Cong in military commissions, apparently in the belief that this might mean additional Viet Cong under the protection of the South Vietnamese. Hiep himself recognized the need for establishing an effective planning organization for future two-party military discussions, particularly, he said, if the Two-Party Commission were to be effective when the Four-Party Commission expired. A planning organization was also needed if his government wished to exercise the initiative in the two-party forum. He told General Wickham he would take up the matter with his contacts in President Thieu's office.<sup>5</sup>

The South Vietnamese and Viet Cong also met in a two-party context as a result of their activities in the Prisoner-of-War Subcommission. All of these contacts served to establish an ad hoc, albeit informal, basis for the later formal establishment of the Two-Party Joint Military Commission. In addition, the South Vietnamese and Viet Cong chiefs and their deputies met separately on occasion to discuss the designation of points of entry for replacement material and other issues that were primarily two-party concerns. By the third week of the cease-fire, the special subcommission on the formation of the Two-Party Commission was meeting regularly twice each week.<sup>6</sup>

By late February, however, real progress toward the establishment of the Two-Party Joint Military Commission had gotten no further than the talking stage. The United States grew increasingly concerned that something more be done. In an informal discussion during a coffeebreak, General Wickham broached the subject to General Hoa. He pointed out the importance of progress in the two-party talks and the formation of the Two-Party Commission. The North Vietnamese chief agreed but had no suggestions. The American deputy stressed that the North Vietnamese and American delegations would be leaving in a little more than a month and that it was important to promote the two-party talks. General Hoa again agreed.<sup>7</sup>

In early March, General Hiep brought General Wickham up to date on the discussions of the special subcommission. Hiep believed that Tra

was anxious to form the Two-Party Commission rapidly; the Viet Cong chief had made several specific proposals along that line. Tra had originally wanted a Viet Cong delegation of 14,000 personnel but had revised that figure to approximately 2,000. He wanted to place 240 at the central headquarters, 60 in each of 7 regions, 30 in each of 41 provinces, and 10 each for the teams at the 12 points of entry. Tra also had proposed a scheme for the weekly rotation of headquarters at the central, regional, and provincial levels between South Vietnamese- and Viet Cong-controlled areas. This was an attempt to increase the visibility, and hence the legitimacy of the Viet Cong.

Hiep had asked his government to approve a counterproposal. His plan called for each party to have 1,148 personnel. There would be 240 at the central headquarters, with the remainder distributed among the 7 regions, 26 team locations, points of entry, and mobile teams at regional headquarters. This plan utilized the existing local Four-Party Commission team locations, with 10 personnel from each delegation, instead of the 41 province locations proposed by the Viet Cong. General Hiep also suggested the establishment of provisional subcommissions parallel to those of the Four-Party Commission.<sup>8</sup>

In an effort to speed up the process, General Woodward pressed General Tra on 12 March. Tra told Woodward that he felt the creation of the Two-Party Commission was essential and that he wanted to formalize the organization and procedures before the Four-Party Commission dissolved. Woodward observed that the South Vietnamese might be content to proceed for some time with a *de facto* Two-Party Commission based on the already regularized special subcommission and two-party chiefs' meetings that were currently taking place. He further noted that in this way, the Two-Party Commission would evolve from the framework being established within the Four-Party Commission but would not be officially constituted until the latter had been dissolved. Although Tra acknowledged this as a practical approach, he still preferred the earliest possible official establishment of the Two-Party Commission.<sup>9</sup>

Woodward and Hoa later discussed the same problem. The North Vietnamese chief reiterated Hanoi's concern, shared by the United States, that the South Vietnamese and Viet Cong expedite the formation of the Two-Party Commission. Both agreed, however, that the point had been reached when central commission meetings would have little influence on the timely formation of the Two-Party Commission. Part of the problem was the tendency of the South Vietnamese and Viet Cong chiefs to speak for the public record, whereas direct, private exchanges between the two parties would be more productive in resolving sensitive issues. On the other hand, the prospective departure of the American and North Vietnamese

delegations could be an effective catalyst for meaningful two-party discussions.<sup>10</sup>

Meanwhile, concern over the delayed establishment of the Two-Party Joint Military Commission had led to serious consideration at high levels in Washington to initiate negotiations for an extension of the Four-Party Commission until progress could be made. General Weyand pointed out to the Chairman of the Joint Chiefs, Admiral Moorer, that the Two-Party Commission should have the potential to be more effective than the Four-Party Commission, particularly since the principal unresolved military issues, including cease-fire problems, were two-party in nature. The South Vietnamese and Viet Cong were currently discussing, even nearing agreement on, the size of the organization, and the other delegation chiefs looked forward to its establishment. All the chiefs agreed that the Four-Party Commission was ineffective except for prisoner-of-war matters; the remaining time should be devoted to developing conditions for an effective Two-Party Commission.

Because the North Vietnamese and Viet Cong were not deployed to any of the team sites, and the Viet Cong were not represented at any of the regions, the four-party structure at those levels was practically useless. Deployment was even more unlikely to occur because of the remoteness of the team sites from population centers. Given what appeared to be the increasing effectiveness of the ICCS, along with the presence of US Foreign Service officers with prior Vietnam experience at American consulates to work with the ICCS, there was no longer a need for a four-party organization below the level of the central commission. Weyand and Woodward did not believe that the advantages of extending the Four-Party Commission outweighed the disadvantages, and they recommended against such an action. Ambassador Bunker concurred.

Despite their recommendations, they were directed from Washington to seek an extension of the Four-Party Joint Military Commission. Ambassador Bunker and General Woodward raised the subject with South Vietnamese Prime Minister Khiem on 21 March. Ambassador Bunker provided the rationale for the extension and observed that it was to be for 20 days, possibly somewhat longer. The Prime Minister saw no major problems with the proposal, but he did suggest that the Ambassador clear the matter with President Thieu the next morning. In the meantime, the Prime Minister would report their discussions to Thieu immediately.

Thieu subsequently approved the extension. Despite strong efforts made to secure the extension, however, ultimately nothing came of the proposal. The North Vietnamese and Viet Cong were opposed. Although South Vietnamese Government officials hinted at their amenability—it



would, after all, cost them little or nothing to agree—they recognized that the United States was primarily interested in the American prisoner returns and troop withdrawals. Both were in the final phases of completion. The three Vietnamese parties, along with the Americans in Saigon in daily contact with them, all realized that at this stage, the remaining issues could be solved only among the Vietnamese. The only alternative for the United States was military intervention, an unrealistic option that could not be exercised.<sup>11</sup>

In view of these developments, the American delegation began to exert increasing pressure on the Government of South Vietnam to move toward rapid establishment of the Two-Party Commission. On 15 March, the subject was raised with the chairman of the South Vietnamese Interministerial Committee on the Cease-Fire, Lieutenant General Hon. He was told bluntly that the shortsightedness of some South Vietnamese policies and the lack of authority given to their representatives were hampering progress in the two-party discussions. General Hiep had not received government decisions on the alternative facility to Davis Station or on the size and nature of deployment of the two-party delegation. The interministerial committee itself appeared to the Americans as more of a debating society than a mechanism to provide rapid support and decisions to Generals Dong and Hiep. General Hon acknowledged that Hiep lacked authority and noted that he himself felt powerless to provide solid direction to them; President Thieu reserved to himself full authority on all decisions concerning the commissions.

Hon observed that President Thieu frequently would not listen to advice. Thieu also issued edicts that left little room for flexibility in negotiations. In addition, Thieu's advisers such as General Quang influenced decisionmaking adversely and thereby contributed to the lack of clear-cut authority and direction. Although Hon recognized the difficulty of working under such circumstances, he felt it was still useful for him to try to obtain changes in policy by direct or indirect means. The American representatives emphasized the absolute necessity of presenting clear explanations of policy issues so that the opportunity for sound decisionmaking would exist. In addition, it was imperative that the Two-Party Joint Military Commission be established and that a rapid and effective South Vietnamese governmental decisionmaking mechanism be ready to support the Saigon delegation.<sup>12</sup>

These particular discussions with Prime Minister Khiem and General Hon illustrate the importance to the senior American officials in Saigon of developing and pursuing informal contacts to force timely decisions by Thieu, decisions that could then filter down through South Vietnamese channels soon enough to bring action. They also illustrate the difficulties

that top-level South Vietnamese officials, including some in his inner circle of advisers, had in dealing with Thieu. To many of them, he appeared incapable of forceful or decisive action except when there was a threat to his staying in office or—and this explains why informal American pressure could be so effective—when he feared that inaction might jeopardize US support for him. In addition, Thieu's tendency to inaction was characterized by an unwillingness to change his mind on most issues; often extraordinary American pressure was necessary.

Thieu also tended to distrust prominent South Vietnamese political leaders and officials who demonstrated the potential to replace him as President. This seemed to be particularly true of his attitude toward Prime Minister Khiem. Khiem recognized this facet of Thieu's personality and rarely expressed himself in ministerial meetings when Thieu was present. Instead, Khiem found that the most effective way to conduct important business with Thieu was to bring it up privately. This ambience of inaction, suspicion, and stubborn inflexibility at the top echelon of leadership resulted in confusion at lower levels, including the South Vietnamese delegation to the Four-Party Commission. It contributed to Woodward's frustration about the lack of progress between the South Vietnamese and Viet Cong toward setting up the Two-Party Commission, as well as to American irritation at what seemed to be South Vietnamese foot-dragging on many other issues, for example, privileges, immunities, and facilities.<sup>13</sup>

The day after his exchange with Hon, Woodward advised Tra that the United States was interested in the Viet Cong and the South Vietnamese proceeding with the formation of the Two-Party Commission. It was especially important to decide on the location of the regions and teams. He urged General Tra to be patient in awaiting the South Vietnamese decision on whether the Viet Cong delegation would be allowed to move from Davis Station to another compound in the Saigon area. He encouraged the Viet Cong to focus in the two-party talks on problems that lent themselves to some practical solution, rather than becoming entangled in emotional issues that only generated resistance within the South Vietnamese Government. General Woodward assured Tra that the United States was encouraging South Vietnam to adopt a more reasonable position on freedom of movement and contacts with the press.<sup>14</sup>

As the time neared for the expiration of the Four-Party Commission, General Woodward continually stressed the importance of the establishment of the Two-Party Commission. By 19 March, the Americans were arguing that the most important task remaining to the Four-Party Commission was to create favorable conditions for the two-party organization. The South Vietnamese, however, wanted to delay its formation until after the Four-Party Commission had expired. But the American delegation was

encouraged by the recent initiation of regular two-party discussions in the subcommissions.<sup>15</sup>

In his 21 March meeting with the Prime Minister when the extension of the commission was discussed, General Woodward also commented on actions that would facilitate operations of the Two-Party Commission when it was formally established. One was the movement of the Viet Cong from Davis Station into population centers such as Saigon, with adequate protection provided by the South Vietnamese Government. In order to participate in any electoral process, the Viet Cong had to be allowed to emerge and compete for the support of the electorate. The sooner this was accomplished, the sooner elections could be held, which, Woodward argued, would be in the interest of the South Vietnamese Government. General Woodward also argued for greater freedom of movement and free access to the press for the Viet Cong. The Prime Minister thought that some of these things now did not appear to be so difficult.<sup>16</sup>

Several days later, in discussions related to the question of privileges and immunities, the South Vietnamese chief delegate made an encouraging observation. General Dong noted that further four-party discussion of privileges and immunities was of little value because less than a week remained before the Four-Party Commission expired. Based on the progress to date in two-party talks, he was confident the Two-Party Commission would be able to move more rapidly than the Four-Party Commission and would have little need for specific agreements. Instead, he declared, the South Vietnamese and Viet Cong delegations would depend on the strong spirit of national reconciliation and concord that had been manifest so far.

Where that spirit had been manifest was a puzzlement to some of the Americans in Saigon. Nevertheless, significant progress had in fact been made toward the formal establishment of the Two-Party Joint Military Commission. Agreement was reached that the two delegations to the central commission would each consist of 240 personnel. The first formal session would be held 29 March. A subcommission on deployment was established and began meeting 23 March. The head of each delegation would be a general officer; the chiefs of subcommissions would be lieutenant colonels or colonels. The total strength of each delegation would be between 1,200 and 1,500 personnel. Each party would have six points of entry, the number and location of which could be changed according to the principles of equality and unanimity and on the basis of the Paris agreement.<sup>17</sup>

In a late March meeting with the chairman of the South Vietnamese Interministerial Committee on the Cease-Fire, General Woodward stated that, having listened to General Tra over a lengthy period, he had con-

cluded that Tra was pessimistic about the Viet Cong having a reasonably competitive status in any electoral process in South Vietnam under their current living conditions and restrictions. General Tra had indicated a deadline of 1 May for improving the living conditions of his delegation and gaining greater freedom of movement. Woodward urged Hon to insure that reasonable Viet Cong demands were met, warning that Viet Cong refusal to emerge and compete for the support of the electorate through constitutional means would pose serious problems for the South Vietnamese Government. Implicit in Woodward's counsel was a not-so-subtle reminder that if Viet Cong frustration increased over Saigon's inaction or pettiness, the war might resume on its former scale. If that occurred, American help in this event would be limited; ground troops certainly would not be available.

General Hon asked about the arrangements whereby the American Embassy representatives concerned with the Two-Party Commission would maintain contact with South Vietnamese authorities in order to provide advice and appropriate assistance. General Woodward explained that one representative from the Embassy would be the single point of contact for Two-Party Commission matters. General Hon observed that General Thuan, the designated chief of the South Vietnamese delegation to the Two-Party Commission, had enjoyed close association with President Thieu in the past, but that he was not the type of man to force issues and seek decisions. He would probably wait and do only what he was told to do. General Woodward reiterated the advantages of having a South Vietnamese chief who would be assertive and have some authority to make decisions during the two-party negotiations.<sup>18</sup>

At the last meeting of the Chiefs of Delegation, General Woodward did not dwell on the problems of the Four-Party Commission. Instead, he observed that the Two-Party Commission should profit from the errors, mistakes, frustrations, and passions of the four-party experience. That evening, General Woodward reported that two fundamental weaknesses in the South Vietnamese delegation had to be overcome if the Two-Party Commission was to work: the lack of authority to make decisions at the conference table and a basic incompetence in handling significant issues.<sup>19</sup>

This matter of the competence and authority of the South Vietnamese delegation chiefs had previously been worrisome to the Americans. Lieutenant General Ngo Dzu had been the first Saigon representative to the Four-Party Commission and had worked well with the Americans; Woodward admired his negotiating skills. For reasons never known to the Americans, Dzu was suddenly ordered to join the South Vietnamese delegation in Paris. Perhaps Dzu's willingness to resolve issues led Thieu to believe the

best place for Dzu was out of the country where he did not represent a political threat; such an action would accord with Thieu's method of operating. Dzu's replacement was General Du Quoc Dong, former commander of South Vietnamese airborne troops. In Woodward's estimation, Dong was clearly out of his element at the conference table much of the time. His extensive combat and troop command background had not equipped him for dealing with a practiced negotiator like Tra. Moreover, Dong further complicated the change in delegation chiefs by replacing key members of the South Vietnamese contingent, including delegates to subcommissions, with his own adherents, thereby disrupting American efforts to expedite the business of the commission. Although General Hiep, the South Vietnamese deputy to the Four-Party Commission, had previously been designated chief representative to the two-party discussions, Woodward learned—perhaps with a sense of premonition—that the position was to be filled by the unassertive General Pham Quoc Thuan. In discussions between Woodward and Thuan, a familiar cycle seemed to be repeated.<sup>20</sup>

Woodward and Thuan met following the first discussion session between the two-party chiefs on 30 March. Thuan recited a litany of complaints about dealing with the Viet Cong leader and the lack of support from his own government. Thuan asserted that Tra was insincere and not to be trusted. His belief was based apparently on Tra's not-unreasonable attempt to pressure him into accepting the previous four-party agreement on privileges and immunities, plus his request to move out of Davis Station. Thuan had refused, citing unexplained political and security reasons. The South Vietnamese delegate indicated to Woodward, however, that he would recommend that a villa be set up away from Davis Station for Tra and several of his assistants.

Thuan's recital then became even more familiar to the American chief. Thuan had difficulty obtaining guidance from his government. He was required to report to, and theoretically receive guidance from, both General Hon, chairman of the Interministerial Committee on the Cease-Fire, and General Quang, one of Thieu's advisers. Separate sets of guidance could be contradictory and unhelpful. As Woodward had concluded earlier—and had so informed Hon—the interministerial committee created more obstacles and delay than assistance. Given the nature of decisionmaking, or lack thereof, within the top echelon of the South Vietnamese Government, Thuan preferred to be responsible only to Quang, who at least had direct access to Thieu for such guidance and decisions as might be forthcoming. Woodward proffered no advice on this point, nor did he offer to help; he and the US Delegation were scheduled to complete their deployment out of South Vietnam by the end of the next day.<sup>21</sup>

In his last official cable as Chief of the US Delegation, General Woodward observed that the South Vietnamese had the capability to support the Two-Party Joint Military Commission logistically. The effectiveness of the Two-Party Commission would be limited, however, by the unwillingness of the South Vietnamese to make concessions on matters that the Viet Cong believed were granted by the Paris agreement and protocols. "Nevertheless," he continued, too optimistically as it turned out, "the two parties believe that more progress will be achieved in the TPJMC than in the FPJMC because of its simple structure. More importantly, the two parties seem to be able to communicate and work with each other."<sup>22</sup>

The next day, General Woodward left for the United States by way of Thailand and France. Most of the members of the US Delegation had departed by US Air Force cargo aircraft from Tan Son Nhut late the afternoon before. Only Major Miles, Colonel Russell, and 12 others remained behind on the residual Four-Party Joint Military Team to resolve the status of Americans missing in action and to provide some continuity of experience for the months ahead. The general's departure marked the end of effective American influence on the effort to bring about a cease-fire or any of the other remaining and unfulfilled provisions of the Paris agreement.

General Woodward and General Wickham had been the catalyst in bringing the two South Vietnamese parties together. With their departure and the replacement of Ellsworth Bunker by Graham Martin, the old team was gone. General Weyand had left several days before Woodward when MACV was disestablished. The North Vietnamese delegation had virtually withdrawn by the end of March, and shortly thereafter General Tra himself departed for Hanoi. Tra disappeared from the sight of the Western public until 1975, when he surfaced again following the fall of South Vietnam and the occupation of Saigon.

Given the insignificant successes obtained in getting the South Vietnamese and Viet Cong to work together when there was American military leverage available in Saigon and political leverage available from Washington, it seems clear in retrospect that all three Vietnamese parties were simply waiting for the Americans to leave, taking with them their prisoners of war. The three parties could then resume the fighting, without pretense and without letup, until one Vietnam conquered the other, regardless of what they had promised on that scrap of paper, the Paris agreement and protocols.

The results of that renewed war are well known, although the ultimate consequences of that war remain for the studies of future historians and analysts.

### Chapter 7. Notes

1. Message, CH USDEL FPJMC to COMUSMACV, 041755Z February 1973, Subject: Summary of Chiefs' Meeting, FPJMC, 4 February 1973, WNRC 319-74-051, Box 29, folder 6.
2. Message, CH USDEL FPJMC to COMUSMACV, 051635Z February 1973, Subject: Summary of Chiefs' Meeting, FPJMC, 5 February 1973, WNRC 319-74-051, Box 29, folder 6.
3. Message, CH USDEL FPJMC to COMUSMACV, 071721Z February 1973, Subject: Summary of Chiefs' Meeting, FPJMC, 7 February 1973, WNRC 319-74-051, Box 29, folder 6.
4. Message, CH USDEL FPJMC to COMUSMACV, 081440Z February 1973, Subject: Summary of Chiefs' Meeting, FPJMC, 8 February 1973, WNRC 319-74-051, Box 29, folder 6.
5. Message, CH USDEL FPJMC to COMUSMACV, 111715Z February 1973, Subject: Summary of US DEL, FPJMC, 11 February 1973, WNRC 319-74-051, Box 29, folder 6.
6. Message, CH USDEL FPJMC to COMUSMACV, 17 February 1973, Subject: Summary of US DEL, FPJMC, 17 February 1973, WNRC 319-74-051, Box 29, folder 6.
7. Message, CH USDEL FPJMC to COMUSMACV, 231510Z February 1973, Subject: Summary of US DEL, FPJMC, 23 February 1973, WNRC 319-74-051, Box 29, folder 6.
8. Message, CH USDEL FPJMC to COMUSMACV, 031127A March 1973, Subject: Central FPJMC Meeting, 3 March 1973, WNRC 319-74-051, Box 18, folder 19.
9. Message, CH USDEL FPJMC to COMUSMACV, 121030Z March 1973, Subject: Central FPJMC Meeting, 12 March 1973, WNRC 319-74-051, Box 14, folder 18.
10. Message, CH USDEL FPJMC to COMUSMACV, 141100Z March 1973, Subject: Central FPJMC Meeting, 14 March 1973, WNRC 319-74-051, Box 29, folder 6.
11. Final Report, Annex I: Message, CH USDEL FPJMC, 211300Z March 1973, Subject: Central FPJMC Meeting, 21 March 1973, WNRC 319-74-051, Box 18, folder 19.
12. Message, CH USDEL FPJMC to COMUSMACV, 151416Z March 1973, Subject: Summary of US DEL, FPJMC, 15 March 1973, WNRC 319-74-051, Box 29, folder 6.
13. Hosmer, pp. 22-25.
14. Message, CH USDEL FPJMC to COMUSMACV, 161100Z March 1973, Subject: Summary of US DEL, FPJMC, 16 March 1973, WNRC 319-74-051, Box 29, folder 6.

15. Message, CH USDEL FPJMC to COMUSMACV, 191215Z March 1973, Subject: Central FPJMC Meeting, 19 March 1973, WNRC 319-74-051, Box 18, folder 19.
16. Message, CH USDEL FPJMC to COMUSMACV, 211300Z March 1973, Subject: Central FPJMC Meeting, 21 March 1973, WNRC 319-74-051, Box 18, folder 19.
17. Message, CH USDEL FPJMC to COMUSMACV, 231500Z March 1973, Subject: Central FPJMC Meeting, 23 March 1973, WNRC 319-74-051, Box 18, folder 19.
18. Message, CH USDEL FPJMC to COMUSMACV, 271530Z March 1973, Subject: Summary of US DEL, FPJMC, 27 March 1973, WNRC 319-74-051, Box 29, folder 6.
19. Message, CH USDEL FPJMC to COMUSMACV, 281410Z March 1973, Subject: Central FPJMC Meeting, 28 March 1973, WNRC 319-74-051, Box 18, folder 19.
20. Woodward interview.
21. Message, CH USDEL FPJMC to CINCPAC, 301119Z March 1973, Subject: Summary of US DEL, FPJMC, 30 March 1973, WNRC 319-74-051, Box 29, folder 6.
22. Message, CH USDEL FPJMC to CINCPAC, 310600Z March 1973, Subject: Chief, USDEL, FPJMC, Interim After-Action Report (28 January-29 March 1973). WNRC 319-74-051, Box 32, folder 3.



## 8

# CONCLUSIONS: EPILOGUE AND PROLOGUE

*No one over here has any illusions but that the serious fighting will start about a year after all the Americans have left.*

Author's Vietnam Diary, Entry of  
24 March 1973

*There had been no cease-fire, really. And there was no question but that the war would go right on.*

James Jones, *Viet Journal*, 1973

Given the missions assigned the US Delegation to the Four-Party Joint Military Commission, and the situation it faced following the signing of the Paris agreement and protocols, any conclusions must be approached from two perspectives. First, when viewed historically, by way of epilogue, the accomplishments and failures of the US delegation must be evaluated and analyzed in the context within which they occurred. Second, when viewed as lessons learned, by way of prologue to similar endeavors, what was unique to that context must be sifted out in order to highlight what may be significant insight for the future.

As the American delegation understood it, the Four-Party Joint Military Commission had "the task of insuring joint action by the parties in implementing the agreement by serving as a channel of communication among the parties, by drawing up plans and fixing the modalities to carry out, coordinate, follow, and inspect the implementation of the provisions

mentioned in Article 16 of the agreement, and by negotiating and settling all matters concerning the implementation of those provisions."<sup>1</sup>

The specific tasks required by the Paris agreement included the observation of a cease-fire, the freezing in place of US and other Free World Military Assistance Forces (primarily the large South Korean combat contingent), the dismantling of their bases, the return of captured military personnel and foreign civilians, and the resolution of the status of those missing in action. The Four-Party Commission was to operate in accordance with the principle of consultation and unanimity and was to begin its deliberations immediately after the effective date of the cease-fire agreement. The commission was to end its operations in 60 days, by which time the withdrawal of US and other Free World Military Assistance Forces and the return of captured military personnel and foreign civilians was to have been completed.<sup>2</sup>

The members of the US Delegation understood that these tasks would be difficult, given the limited time available and the requirement for unanimity. Consequently, while focusing their daily efforts on the specific requirements, the Americans operated within a larger context of US interests and with a realistic appraisal of what could actually be accomplished in 60 days while simultaneously securing unanimous agreement of all four parties. Their objectives, as they were worked out in Saigon, were to secure the return of captured Americans, effect the withdrawal of American forces, attempt to lower the level of fighting, and provide the South Vietnamese Government a reasonable chance to survive without the support of American forces.

The most important task—emotionally—for the US Delegation was to secure the return of the American prisoners of war held captive, not only in North Vietnam, but throughout Southeast Asia. The Americans and the North Vietnamese both understood that American troop withdrawals were linked directly to the release of these prisoners. Likewise, both sides understood there were no other such linkages within all the various parts of the agreement and protocols. Despite this clarity of understanding, the North Vietnamese and Viet Cong—and even at times the South Vietnamese—tried to establish linkages by using the prisoner return to pressure the US Delegation into unwanted agreement with their position on other matters, such as privileges and immunities.

The Americans were able to withstand those various attempts to make other linkages, and all the prisoners were released within the stated 60 days. The firm stand taken by General Woodward, with the unstinting support of General Weyand and Admiral Moorer, Chairman of the Joint Chiefs of Staff, was crucial in this regard. Their resolute actions in with-

drawing from the chiefs' meetings and cancelling troop withdrawals at the time of the near-debacle at Loc Ninh during the 12 February release of the 27 Americans held prisoner by the Viet Cong prevented a similar recurrence. Even in the last, tension-filled days preceding the release of the prisoners held by the Pathet Lao, the North Vietnamese did not become recalcitrant; General Hoa, the North Vietnamese chief delegate, took the rare step of visiting General Woodward privately in his quarters late one evening to assure him that the prisoners would be released. In any event, General Weyand refused to withdraw the remaining American forces until the desired outcome was assured.

The major accomplishment of the US Delegation was the return of the American prisoners, including those captured in Laos. By 29 March 1973, 587 American prisoners were returned. In addition, with US help the South Vietnamese and Viet Cong exchanged their military prisoners within the allotted period, except for those who refused repatriation.

The status of American prisoners-of-war whose names did not appear on the lists handed over by the North Vietnamese in Paris and who were not subsequently released was discussed informally with the Viet Cong and North Vietnamese, but without result. The Paris agreement had made provision for a Four-Party Joint Military Team to remain behind after the commission was terminated. This team, approved by the central delegations at an early session, included 14 American soldiers and 5 American civilians. This small US element remained active until the last days of the Republic of Vietnam.

On 29 March, as the last known prisoner was released, the last members of the US Armed Forces in South Vietnam went home as well, except for those remaining behind on the joint military team and in the Office of the Defense Attaché. Although the actual withdrawal was planned and executed under MACV auspices, the US Delegation was involved in insuring that it was accomplished according to the terms of the Paris agreement. In general, four-party and ICCS teams observed as the troops loaded the aircraft and departed, although the North Vietnamese and Viet Cong had argued that the commission should actually control departures.

When the Paris agreement and protocols entered into effect on 28 January 1973, there were 23,516 American and 30,449 Free World Military Assistance Force servicemen in South Vietnam. These elements withdrew at a relatively constant rate, roughly one-fourth departing within each 15 day period. The exact numbers varied between increments, largely as a result of halting or "back-loading" the withdrawals of US forces to insure prisoner returns. For example, in the last increment, when the debate was raging over the prisoners held by the Pathet Lao, troop with-

drawals were halted. Once the crisis was resolved, 5,000 American troops and their baggage were deployed to the United States or Thailand within a 48-hour period.

Questions of removal of equipment and dismantling of bases were not addressed seriously by the Four-Party Joint Military Commission. In early meetings of the chiefs, General Woodward had stated that title to US and Free World Military Assistance Forces equipment and bases had been transferred to the South Vietnamese before the agreement and protocols entered into effect. He was not on secure ground; a convincing argument can be made that the transfer violated the treaty. Although the Viet Cong and North Vietnamese raised minor objections, they did not press them. Where equipment withdrawals occurred, they were accomplished without four-party or ICCS observation.

The transfer of title to bases and equipment, along with the hiring on a contract basis of large numbers of civilians to continue support roles, permitted the United States to strengthen the South Vietnamese Armed Forces, now no longer able to rely on American combat troops for assistance. Other key factors that aided the buildup of the South Vietnamese were the acceleration of the Vietnamization program and an intensified logistics supply operation, Projects Enhance and Enhance Plus, that took place between the 8 October breakthrough in the Kissinger-Tho talks and the 28 January coming-into-force of the agreement. In this way, the US Delegation did its best to provide the South Vietnamese a reasonable chance of surviving what became a full-scale resumption of hostilities following the withdrawal of the commission.

As envisioned by the Paris treaty, the Two-Party Commission was formed within the context of the Four-Party Commission, although much later than the Americans, North Vietnamese, and Viet Cong would have preferred. The Americans had to pressure the Thieu government into participating in the establishment of the two-party element. US Delegation fears that the same attitudes that had hampered South Vietnamese cooperation with the Viet Cong in the original commission would be carried over into the successor body were well-founded. The Two-Party Commission also failed to bring about a cease-fire, much less to assist in coming to grips with the basic question of who was to have power in South Vietnam.

Although the return of the American prisoners of war and the withdrawal of US and other Free World Military Assistance Forces were the major accomplishments of the US Delegation within the context of the Four-Party Joint Military Commission, the failure to diminish significantly the level of fighting, much less bring about a complete cease-fire, seriously detracted from those successes. It was the critical failure. The South Viet-

namese and Viet Cong were unwilling to stop the fighting in the absence of an effective investigative organization that was willing to affix responsibility for cease-fire violations. Although the United States could, and did, coerce the South Vietnamese into deploying teams to regional and local sites, the Viet Cong refused to cooperate. Since the North Vietnamese steadfastly denied that Hanoi had military forces in the Republic of Vietnam, they were willing to deploy to commission sites more extensively than their Viet Cong compatriots, at least for a time. This unwillingness of the Communist delegations to deploy fully to regional and team sites, as well as their obstructionist tactics, severely hampered the ability of any element of the Four-Party Joint Military Commission to carry out its tasks. The Communist refusal to cooperate prevented the completion of any cease-fire investigations unanimously agreed to by either the Four-Party Commission or the International Commission of Control and Supervision. The war thus would resume after the American departure and continue until the North Vietnamese triumphed.

As the Americans became more aware of the immense obstacles that lay in the way of establishing a cease-fire, they hoped that the ICCS would be able to step in. Theoretically, ICCS deployment and investigations of cease-fire violations would initially reduce the number of incidents, thereby lowering the level of fighting until the cease-fire could be stabilized. For reasons similar to those that contributed to the inability of the Joint Military Commission to accomplish this task, the ICCS was also ineffective. Timely and objective ICCS investigations proved impossible—Vietnamese of any party refused to cooperate when it seemed possible their guilt might be established. South Vietnamese obstinance could be overcome by American pressure. The Communists, however, were able to obstruct ICCS efforts by refusing to provide liaison officers to accompany the investigating teams or by claiming they could not guarantee safe entry into Viet Cong-controlled areas. In some instances, ICCS aircraft or teams were fired on in communist areas, forcing their withdrawal from several team sites. Within the ICCS organization itself there were almost predictable divisions, with the Canadians and Indonesians often aligning against the Poles and Hungarians. The result was that the ICCS was unable to carry out its functions and tasks.<sup>3</sup>

Despite its successes in prisoner returns and troop withdrawals, the US Delegation failed to enjoin all three Vietnamese parties to implement, much less enforce, a complete and effective cease-fire. This failure cannot be emphasized too strongly. It meant that the war would continue unabated and unchecked until one Vietnam conquered the other. Yet, the historical experience also indicates that implementing the cease-fire was an

impossible task from the beginning—none of the Vietnamese parties were willing to stop fighting. The Americans did not fail from lack of effort; no amount of effort could have succeeded in the circumstances of the Four-Party Joint Military Commission.

Other tasks were carried out with indifferent success. True, a Two-Party Joint Military Commission was formed, but very late. Moreover, it was ineffective from its beginning. The International Commission of Control and Supervision, despite logistical and diplomatic support from the Americans, also failed to assist in implementing the cease-fire because it was unable to determine responsibility for violations. It failed for reasons similar to those that caused the American failure to bring about a cease-fire. The small residual four-party element left behind to resolve the status of Americans listed as missing in action eventually accomplished something in this regard, but, because of its specified mission, had no responsibility for cease-fire matters.

On a larger scale, the Americans recognized from the beginning that success or failure in carrying out some provisions of the Paris agreement depended on their ability to negotiate in Saigon what had not been negotiated or clearly understood in Paris. Failure to agree in Paris on who controlled what areas was the most important problem inherited by the commission, and it led directly to the landgrabbing operations that began several days before the cease-fire was to go into effect. The resulting battles continued for weeks in some cases, dooming cease-fire implementation from the beginning. Although the US Delegation believed the level of fighting was finally reduced somewhat, this was a delusion. More likely, there was one of those periodic lulls between renewed heavy fighting that seemed to some veteran Vietnam war observers as characteristic of the conflict.

The sensitivity of the North Vietnamese and Viet Cong to American reaction to their attempts to link US prisoner releases to matters other than US troop withdrawals indicated that issues completely and clearly negotiated and understood in Paris could be handled within the commission. This was true particularly if it were in the interest of the parties to cooperate, as indeed it was in the interest of the Communists to have US troops removed from South Vietnam. Achieving the American withdrawal was their primary interest. It was far more important to them than retaining American prisoners for any propaganda value to be had or leverage to be gained for pressuring the United States into supporting their positions. Therefore, the North Vietnamese and Viet Cong did not seriously sustain efforts to establish linkages to anything else.

One clearly unique aspect of the US Delegation experience was the refusal of one major participant in the war in South Vietnam to admit even

the existence of its role or the presence of its troops. This circumstance alone would have made it impossible for the Four-Party Commission to attribute any responsibility to the North Vietnamese for violations of the agreement and protocols during the 60 days that the commission existed. The principle of unanimity could have prevented any establishment of North Vietnamese blame, in any case, but the particular status of the North Vietnamese gave them a distinct advantage within the commission context.

In view of other armistice arrangements in this century, the 60-day period accorded the commission was extremely short. This very brevity encouraged and facilitated the attitudes of the North Vietnamese and Viet Cong toward the cease-fire and investigations of its violations. They were able to occupy much of the time in fruitless negotiations over facilities, privileges, and immunities rather than address the substantive issue of the cease-fire. The South Vietnamese contributed to the obstructionism of the North Vietnamese and Viet Cong through Saigon's unwillingness to accommodate their erstwhile enemies by refusing to lend any credibility to the Viet Cong claim of legitimacy beyond that granted by the Paris agreement and protocols.

The Americans were not particularly surprised that such difficulties arose. President Thieu's reactions to the various stages of the Kissinger-Tho negotiations from October 1972 onward were sufficient warning of the attitudes that South Vietnamese officials might take. And indeed, the obstacles that Weyand, Woodward, and their special planning groups had faced in securing the effective cooperation of the senior South Vietnamese military officers and staffs before Thieu finally acquiesced, under the most severe American pressure, were a clear indication that obtaining concessions from the Saigon government during the life of the commission would be difficult, particularly when these concessions seemed in the eyes of the Thieu government to establish a dangerous and unwanted legitimacy for the Viet Cong.

This sort of difficulty was inherent in what was, at least for the Americans, one of the more notable aspects of the Vietnam war—its character as a "people's war of liberation." The Vietnam war was the first guerrilla war in which the United States had participated, except for the Philippines experience and certain aspects of the wars against the American Indians beginning in the 17th century. Certainly, there was nothing in the 20th-century American experiences to match the scale of this particular guerrilla war, although more lessons could have been learned from the French Indochina war.

American experience in the Korean armistice meetings suggested that the hostilities of the battlefield would be carried over to the conference

table. The Saigon meetings, however, were conducted in a relatively calm manner, thanks to the American example, rather than in the studiedly brutal style of some of the Korean armistice meetings. Nevertheless, as in Korea, most of the goals of the parties were not capable of resolution and little progress could be made.

What successes the US Delegation achieved can be attributed essentially to the ability of the American negotiators to remain patient in the face of sometimes volatile Vietnamese outbursts. This patience, though, was never allowed to appear as softness and was coupled with a willingness to break off meetings or to use the pace of troop withdrawals as a lever when the major interests of the United States were threatened, as was the case with the prisoner releases at An Loc or the release of the American prisoners held by the Pathet Lao. The North Vietnamese were aware of American military power poised in Thailand, the Philippines, and the South China Sea that could be used if necessary. They may have thought that use of force would be acceptable to the American people if the Communists appeared not to be living up to their pledge to return the prisoners so long as the United States withdrew its troops.

The American global communications systems that had permitted a high degree of control over the daily operations of US forces during the war facilitated General Woodward's efforts to demonstrate American resolve. From his office in MACV headquarters, Woodward could talk to anyone in Washington, Paris, or wherever else the system reached, with minimum delay or interference. Washington and Saigon were less than 24 hours apart by airplane. Delegation reports were transmitted to Washington within minutes after they were delivered to the MACV communications center, and replies or guidance could be available in Saigon the next morning. The Vietnamese were aware of this system, often remarked on it, and no doubt felt that Woodward and his staff acted with the full knowledge of the US Government.

The North Vietnamese and Viet Cong, on the other hand, did not possess a communications system that allowed them to communicate easily with their government or authorities. This disparity between the American and the Communist communications aided the North Vietnamese and Viet Cong in their obstructionism at times, but it tended to put them at a disadvantage in those cases where Woodward demonstrated the resolve of the United States on the prisoner releases, particularly when the Western and world press was briefed on the failures of the Communists to comply. Subsequent news media reports about the delays, appearing within the day in the Western press and in various parts of the nonaligned world, provided an additional dimension of pressure.



General Woodward and General Weyand were given a relatively free hand to negotiate as long as they remained within the bounds set by the Paris treaty and established US policy. Rarely did Washington attempt to interfere with the daily work of the delegation. This freedom of action gave the Americans an important advantage over the other three parties. The South Vietnamese delegation was closely guided by President Thieu, and the Communist delegations often were unwilling to proceed until they received instructions from Hanoi.

The US Delegation alone could not attend to all the details involved in administering, deploying, and supporting the full Four-Party Joint Military Commission. At an early date, therefore, they proposed—based on analyses developed by the MACV planners—that special subcommissions be set up to deal with these matters. Such additional organizations were authorized, although not specified, by the protocol concerning the Joint Military Commission. The Chiefs of Delegation formally approved the establishment of Prisoner-of-War, Operational Procedures, and Military Affairs Subcommissions. As the real character of the deployment problem became increasingly apparent, the Ad Hoc Committee on PRG Movement came into being and played an important planning and operational role. These supplementary organizations were essential, given the short duration of the Four-Party Joint Military Commission and the magnitude of the tasks confronting it.

Close cooperation between the US Delegation and the American Embassy was essential to the efforts of the delegation. General Woodward especially valued the support of Ambassador Bunker, Deputy Ambassador Whitehouse, and General Weyand. The American delegation chief insured that these officials were briefed thoroughly. They in turn made every effort to see that their staffs fulfilled Woodward's requirements as much as possible and did not interfere. General Weyand and Ambassador Bunker were particularly helpful in removing obstacles and smoothing the way with senior military and civilian leaders in the South Vietnamese Government so that the American and South Vietnamese Chiefs of Delegation could present a united front whenever possible. They were also helpful in preventing senior American officials in Washington and Honolulu from making "first-hand estimates" of the situation in Saigon too frequently.

Although the US Delegation enjoyed some advantages, the key difficulty remained. As General Weyand had observed in October 1972, those matters that could not be negotiated successfully in Paris were not likely to be negotiated successfully by the delegations in Saigon. Only in those cases in which the United States took strong and dramatic action

were the provisions of the Paris agreement and protocols generally observed. When no such action was taken concerning the cease-fire, either during the life of the commission or later, the war continued. The difference was that once no Americans were involved as combat troops or prisoners, the Vietnamese parties had no further inducements or compulsions to make peace and believed they could only gain from carrying on the war. The conflict was deferred, not resolved.

Given the results of the US Delegation's experience, and duly recognizing that many aspects of this period in Vietnam appear, at least on the surface, to be unique to the war in Southeast Asia, there are still some insights than can help serve as guides in the future.

Key members of a delegation should be involved in the substantive negotiations at a very early stage. It was not until less than 3 weeks before the Paris agreement and protocols were to be implemented that the MACV planners became aware of the essence of US interest—return of the prisoners and withdrawal of American forces—and learned that the conditions needed to make a cease-fire possible would not be in the treaty. As a consequence, several months of staff and planning effort had been wasted. There was little time left to analyze the situation, nor was there full-time representation from MACV in Paris or Washington to work with Kissinger and his team on achieving a minimal “understanding” between Kissinger and Tho on which actions were appropriate and which were not. In the context of the Vietnam war, an understanding prohibiting last-minute landgrabbing operations might have made a cease-fire workable, despite the fact that agreement on areas of control had not been achieved.

A corollary is that such early involvement would more effectively allow staff concentration on what such a commission could actually accomplish, given the constraints imposed on it, and what the role of the American delegation should be. The 2 weeks remaining to Woodward and Miles on their return to Saigon was too short a time to bring about an abrupt shift in MACV planning and ongoing actions to support the commission. Only relatively minor adjustments could be made, although Miles and several other original planners were able to work out some shifts in negotiating stances to be used by Woodward and to prepare papers to be used in discussions with the South Vietnamese to elicit their cooperation. This ultimately meant finding ways within the capabilities of the Americans in Saigon to overcome Thieu's objections, on the one hand, or, on the other, to prod him into action.

Continued interest and active support from key US Government leaders who can speak with real authority must be available to the delegation at all times. Woodward, Weyand, and Bunker made strong, but only

occasionally effective, efforts to influence South Vietnamese Government attitudes and positions. More active support from Kissinger or Haig, representing the President, would have been more effective in overcoming South Vietnamese foot-dragging on facilities, privileges, and immunities. This would have cleared the way for more meaningful negotiations on full commission deployment, thereby facilitating one of the few remaining possibilities for insuring that the cease-fire was implemented.

Too much secrecy can produce longer term detrimental effects. In conjunction with earlier involvement in the negotiations process, expanding the circle of MACV planners "in the know" about what was about to happen in the negotiations would also have strengthened the planning effort.

The United States should insure that its allies support, or at least agree not to obstruct, negotiations at every stage of the process. Earlier South Vietnamese cooperation in preparing for the commission would have made the American planning and preparation effort easier. Earlier substantive discussions could have shortened the time spent at central commission meetings on privileges and immunities. The lack of authority given to South Vietnamese delegation chiefs could have been discovered earlier and, through American pressure, perhaps overcome. At the same time, more interest from Washington could have prevented inopportune replacement of South Vietnamese delegation chiefs.

The United States Government should insure that it has adequate numbers of people prepared to operate within a similar military commission in the future. The Nation may not be involved in a war exactly like that in Vietnam again, but it may find itself in some kind of conflict in some part of the world. It may not have been a participant, but it might be asked to perform a role analogous to that of the delegations to the ICCS. Certainly, there was talk of such a mission following the 1973 Arab-Israeli war. In any case, 4 months before a cease-fire is to go into effect, or before a treaty similar to the Paris agreement and protocols of January 1973 is to go into effect, is too short a time in which to put a team together. MACV was fortunate to have had the appropriate talent on hand. On the other hand, Woodward, Wickham, and Miles were not experts on Vietnam, and only Sauvageot, Woodward's interpreter, was fluent in the language. Most of the Americans on the delegation had had no experience with, or training for, the duties they were required to perform in January, February, and March 1973; only Woodward had been in a similar situation.

Not only should such designated personnel be knowledgeable about the diplomatic, political, and military situations in which they might serve,

they should be trained negotiators as well, and be screened for their sensitivity to the negotiating style appropriate to their particular time, place, and circumstance. In the case of the Four-Party Commission, Woodward had had experience in dealing with Communists, which may be a different negotiating style than that required in other times, places, and circumstances. His experience in negotiating the release of the *Pueblo* crew suggested that informal, behind-the-scenes negotiations, such as he conducted on several occasions with General Hoa, would be effective. He also used coffee-and-tea breaks during meetings to soothe tempers and hold polemical exchanges to a minimum. Such insights came to him as a result of experience; they could be passed on to standby teams in their preparation for entering the negotiating arena.

In addition to taking an active interest in what an ally is doing to help or hinder American efforts, the United States should not hesitate to use its military strength to insure treaty implementation by the opposition. Although the Communists were aware that American military force was available to the delegation should the prisoner return go seriously awry, it could have been more visible. Well-publicized deployments of a carrier task force (perhaps with a large Marine contingent aboard) to the Philippines for exercises in the South China Sea or of an additional fighter bomber wing to the airpower already in Thailand might have lessened Communist demands for privileges and immunities or have encouraged them to be more serious about their deployment to local team sites. Such deployments several weeks before the signing of the treaty might have precluded land-grabbing operations, particularly if the appropriate hints had been conveyed to the Communists. While it is true that any American use of military force in 1973 would have been fraught with peril on the domestic front, it is also true that the political circumstances within America have since changed. The presence of the means to use force and the diplomatic leverage it provides—particularly if it is coupled with a recognized and credible intent to use it if necessary—should not be discounted lightly as an effective tool in international relations.

Likewise, the US Government should not hesitate to use its economic strength to enforce compliance with international agreements. The Paris agreement and protocols envisioned that the United States would contribute to the postwar reconstruction of Indochina, specifically North Vietnam. Unfortunately, this provision of the treaty never advanced beyond the discussion stage. Given a more stable American political situation, the President and the Congress could cooperate in marshaling the economic resources of the country to influence adversaries and allies alike when it is in the interest of the United States to do so, as it was in Southeast Asia in 1973. The existence of an already enacted aid or assistance program, with

an immediately available line of credit to be extended or curtailed as the situation warranted, could be an immensely productive tool for implementing policy. In the case of Vietnam in early 1973, or even in 1972, the uses to which such a tool might have been put in negotiating with the North Vietnamese and Viet Cong in both Paris and Saigon must now remain conjecture, to be sure. Certainly, Operation Enhance Plus did not soften Thieu's attitude toward the Paris agreement and protocols—but it didn't harden it, either. On the other hand, North Vietnam was in greater need of assistance in late 1972 and early 1973 than was South Vietnam. The North Vietnamese were bitter about the failure of the United States to provide postwar reconstruction funds, a bitterness that suggests utility in similar future situations.

The real issue for the United States, its people, and its Government is the toughness of its national will. This, in turn, requires a consensus of most elements of the population in support of governmental policy and programs. Once Americans realized that both their prisoners and troops were coming home, once their hostility to the President began to be transferred from the Vietnam war to Watergate, once the institutions of government had become almost paralyzed by the resulting strains in the social fabric, then a time of national introspection and redefinition was inevitable, perhaps necessary. But the world is full of dangers. To meet them, Americans must stiffen their spirit and not flinch when the Nation may need to commit their talents and resources to insure that, truly, there are no more Vietnams.

### Chapter 8. Notes

1. Staff briefing script, WNRC 319-74-051, Box 32, folder 3.
2. Final Report (Summary memorandum signed by Chief, US Delegation, FPJMC).
3. Final Report, pp. 8-9.

## **APPENDIX A**

### **AGREEMENT ON ENDING THE WAR AND RESTORING PEACE IN VIETNAM**

The Parties participating in the Paris Conference on Vietnam,  
With a view to ending the war and restoring peace in Vietnam on the basis of respect for the Vietnamese people's fundamental national rights and the South Vietnamese people's right to self-determination, and to contributing to the consolidation of peace in Asia and the world,

Have agreed on the following provisions and undertake to respect and to implement them:

#### **Chapter I**

##### **THE VIETNAMESE PEOPLE'S FUNDAMENTAL NATIONAL RIGHTS**

###### *Article 1*

The United States and all other countries respect the independence, sovereignty, unity, and territorial integrity of Vietnam as recognized by the 1954 Geneva Agreements on Vietnam.

#### **Chapter II**

##### **CESSATION OF HOSTILITIES—WITHDRAWAL OF TROOPS**

###### *Article 2*

A cease-fire shall be observed throughout South Vietnam as of 2400 hours G.M.T., on January 27, 1973.

At the same hour, the United States will stop all its military activities against the territory of the Democratic Republic of Vietnam by ground, air and naval forces, wherever they may be based, and end the mining of the territorial waters, ports, harbors, and waterways of the Democratic Republic of Vietnam. The United States will remove, permanently deactivate or destroy all the mines in the territorial waters, ports, harbors, and waterways of North Vietnam as soon as this Agreement goes into effect.

The complete cessation of hostilities mentioned in this Article shall be durable and without limit of time.

###### *Article 3*

The parties undertake to maintain the cease-fire and to ensure a lasting and stable peace.

As soon as the cease-fire goes into effect:

(a) The United States forces and those of the other foreign countries allied with the United States and the Republic of Vietnam shall remain in-place pending the implementation of the plan of troop withdrawal. The Four-Party Joint Military Commission described in Article 16 shall determine the modalities.

(b) The armed forces of the two South Vietnamese parties shall remain in-place. The Two-Party Joint Military Commission described in Article 17 shall determine the areas controlled by each party and the modalities of stationing.

(c) The regular forces of all services and arms and the irregular forces of the parties in South Vietnam shall stop all offensive activities against each other and shall strictly abide by the following stipulations:

All acts of force on the ground, in the air, and on the sea shall be prohibited;  
All hostile acts, terrorism and reprisals by both sides will be banned.

*Article 4*

The United States will not continue its military involvement or intervene in the internal affairs of South Vietnam.

*Article 5*

Within sixty days of the signing of this Agreement, there will be a total withdrawal from South Vietnam of troops, military advisers, and military personnel, including technical military personnel and military personnel associated with the pacification program, armaments, munitions, and war material of the United States and those of the other foreign countries mentioned in Article 3 (a). Advisers from the above-mentioned countries to all paramilitary organizations and the police force will also be withdrawn within the same period of time.

*Article 6*

The dismantlement of all military bases in South Vietnam of the United States and of the other foreign countries mentioned in Article 3 (a) shall be completed within sixty days of the signing of this Agreement.

*Article 7*

From the enforcement of the cease-fire to the formation of the government provided for in Articles 9 (b) and 14 of this Agreement, the two South Vietnamese parties shall not accept the introduction of troops, military advisers, and military personnel including technical military personnel, armaments, munitions, and war material into South Vietnam.

The two South Vietnamese parties shall be permitted to make periodic replacement of armaments, munitions and war material which have been destroyed, damaged, worn out or used up after the cease-fire, on the basis of piece-for-piece, of the same characteristics and properties, under the supervision of the Joint Military Commission of the two South Vietnamese parties and of the International Commission of Control and Supervision.

**Chapter III****THE RETURN OF CAPTURED MILITARY PERSONNEL AND FOREIGN CIVILIANS,  
AND CAPTURED AND DETAINED VIETNAMESE CIVILIAN PERSONNEL***Article 8*

(a) The return of captured military personnel and foreign civilians of the parties shall be carried out simultaneously with and completed not later than the same day as the troop withdrawal mentioned in Article 5. The parties shall exchange complete lists of the above-mentioned captured military personnel and foreign civilians on the day of the signing of this Agreement.

(b) The parties shall help each other to get information about those military personnel and foreign civilians of the parties missing in action, to determine the location and take care of the graves of the dead so as to facilitate the exhumation and repatriation of the remains, and to take any such other measures as may be required to get information about those still considered missing in action.

(c) The question of the return of Vietnamese civilian personnel captured and detained in South Vietnam will be resolved by the two South Vietnamese parties on the basis of the principles of Article 21 (b) of the Agreement on the Cessation of Hostilities in Vietnam of July 20, 1954. The two South Vietnamese parties will do so in a spirit of national reconciliation and concord, with a view to ending hatred and enmity, in order to ease suffering and to reunite families. The two South Vietnamese parties will do their utmost to resolve this question within ninety days after the cease-fire comes into effect.

**Chapter IV****THE EXERCISE OF THE SOUTH VIETNAMESE PEOPLE'S  
RIGHT TO SELF-DETERMINATION***Article 9*

The Government of the United States of America and the Government of the Democratic Republic of Vietnam undertake to respect the following principles for the exercise of the South Vietnamese people's right to self-determination:

(a) The South Vietnamese people's right to self-determination is sacred, inalienable, and shall be respected by all countries.

(b) The South Vietnamese people shall decide themselves the political future of South Vietnam through genuinely free and democratic general elections under international supervision.

(c) Foreign countries shall not impose any political tendency or personality on the South Vietnamese people.

*Article 10*

The two South Vietnamese parties undertake to respect the cease-fire and maintain peace in South Vietnam, settle all matters of contention through negotiations, and avoid all armed conflict.



*Article 11*

Immediately after the cease-fire, the two South Vietnamese parties will:

Achieve national reconciliation and concord, end hatred and enmity, prohibit all acts of reprisal and discrimination against individuals or organizations that have collaborated with one side or the other;

Ensure the democratic liberties of the people: personal freedom, freedom of speech, freedom of the press, freedom of meeting, freedom of organization, freedom of political activities, freedom of belief, freedom of movement, freedom of residence, freedom of work, right to property ownership, and right to free enterprise.

*Article 12*

(a) Immediately after the cease-fire, the two South Vietnamese parties shall hold consultations in a spirit of national reconciliation and concord, mutual respect, and mutual non-elimination to set up a National Council of National Reconciliation and Concord of three equal segments. The Council shall operate on the principle of unanimity. After the National Council of National Reconciliation and Concord has assumed its functions, the two South Vietnamese parties will consult about the formation of councils at lower levels. The two South Vietnamese parties shall sign an agreement on the internal matters of South Vietnam as soon as possible and do their utmost to accomplish this within ninety days after the cease-fire comes into effect, in keeping with the South Vietnamese people's aspirations for peace, independence and democracy.

(b) The National Council of National Reconciliation and Concord shall have the task of promoting the two South Vietnamese parties' implementation of this Agreement, achievement of national reconciliation and concord and ensurance of democratic liberties. The National Council of National Reconciliation and Concord will organize the free and democratic general elections provided for in Article 9 (b) and decide the procedures and modalities of these general elections. The institutions for which the general elections are to be held will be agreed upon through consultations between the two South Vietnamese parties. The National Council of National Reconciliation and Concord will also decide the procedures and modalities of such local elections as the two South Vietnamese parties agree upon.

*Article 13*

The question of Vietnamese armed forces in South Vietnam shall be settled by the two South Vietnamese parties in a spirit of national reconciliation and concord, equality and mutual respect, without foreign interference, in accordance with the postwar situation. Among the questions to be discussed by the two South Vietnamese parties are steps to reduce their military effectives and to demobilize the troops being reduced. The two South Vietnamese parties will accomplish this as soon as possible.

*Article 14*

South Vietnam will pursue a foreign policy of peace and independence. It will be prepared to establish relations with all countries irrespective of their political and social systems on the basis of mutual respect for independence and sovereignty

and accept economic and technical aid from any country with no political conditions attached. The acceptance of military aid by South Vietnam in the future shall come under the authority of the government set up after the general elections in South Vietnam provided for in Article 9(b).

#### Chapter V

### THE REUNIFICATION OF VIETNAM AND THE RELATIONSHIP BETWEEN NORTH AND SOUTH VIETNAM

#### Article 15

The reunification of Vietnam shall be carried out step by step through peaceful means on the basis of discussions and agreements between North and South Vietnam, without coercion or annexation by either party, and without foreign interference. The time for reunification will be agreed upon by North and South Vietnam.

##### Pending reunification:

(a) The military demarcation line between the two zones at the 17th parallel is only provisional and not a political or territorial boundary, as provided for in paragraph 6 of the Final Declaration of the 1954 Geneva Conference.

(b) North and South Vietnam shall respect the Demilitarized Zone on either side of the Provisional Military Demarcation Line.

(c) North and South Vietnam shall promptly start negotiations with a view to reestablishing normal relations in various fields. Among the questions to be negotiated are the modalities of civilian movement across the Provisional Military Demarcation Line.

(d) North and South Vietnam shall not join any military alliance or military bloc and shall not allow foreign powers to maintain military bases, troops, military advisers, and military personnel on their respective territories, as stipulated in the 1954 Geneva Agreements on Vietnam.

#### Chapter VI

### THE JOINT MILITARY COMMISSIONS, THE INTERNATIONAL COMMISSION OF CONTROL AND SUPERVISION, THE INTERNATIONAL CONFERENCE

#### Article 16

(a) The Parties participating in the Paris Conference on Vietnam shall immediately designate representatives to form a Four-Party Joint Military Commission with the task of ensuring joint action by the parties in implementing the following provisions of this Agreement:

The first paragraph of Article 2, regarding the enforcement of the cease-fire throughout South Vietnam;

Article 3(a), regarding the cease-fire by U.S. forces and those of the other foreign countries referred to in that Article;

Article 3(c), regarding the cease-fire between all parties in South Vietnam;

Article 5, regarding the withdrawal from South Vietnam of U.S. troops and those of the other foreign countries mentioned in Article 3(a);

Article 6, regarding the dismantlement of military bases in South Vietnam of the United States and those of the other foreign countries mentioned in Article 3(a);

Article 8(a), regarding the return of captured military personnel and foreign civilians of the parties;

Article 8(b), regarding the mutual assistance of the parties in getting information about those military personnel and foreign civilians of the parties missing in action.

(b) The Four-Party Joint Military Commission shall operate in accordance with the principle of consultations and unanimity. Disagreements shall be referred to the International Commission of Control and Supervision.

(c) The Four-Party Joint Military Commission shall begin operating immediately after the signing of this Agreement and end its activities in sixty days, after the completion of the withdrawal of U.S. troops and those of the other foreign countries mentioned in Article 3(a) and the completion of the return of captured military personnel and foreign civilians of the parties.

(d) The four parties shall agree immediately on the organization, the working procedure, means of activity, and expenditures of the Four-Party Joint Military Commission.

#### *Article 17*

(a) The two South Vietnamese parties shall immediately designate representatives to form a Two-Party Joint Military Commission with the task of ensuring joint action by the two South Vietnamese parties in implementing the following provisions of this Agreement:

The first paragraph of Article 2, regarding the enforcement of the cease-fire throughout South Vietnam, when the Four-Party Joint Military Commission has ended its activities;

Article 3(b), regarding the cease-fire between the two South Vietnamese parties;

Article 3(c), regarding the cease-fire between all parties in South Vietnam, when the Four-Party Joint Military Commission has ended its activities;

Article 7, regarding the prohibition of the introduction of troops into South Vietnam and all other provisions of this article;

Article 8(c), regarding the question of the return of Vietnamese civilian personnel captured and detained in South Vietnam;

Article 13, regarding the reduction of the military effectives of the two South Vietnamese parties and the demobilization of the troops being reduced.

(b) Disagreements shall be referred to the International Commission of Control and Supervision.

(c) After the signing of this Agreement, the Two-Party Joint Military Commission shall agree immediately on the measures and organization aimed at enforcing the cease-fire and preserving peace in South Vietnam.

#### *Article 18*

(a) After the signing of this Agreement, an International Commission of Control and Supervision shall be established immediately.

(b) Until the International Conference provided for in Article 19 makes definitive arrangements, the International Commission of Control and Supervision

will report to the four parties on matters concerning the control and supervision of the implementation of the following provisions of this Agreement:

The first paragraph of Article 2, regarding the enforcement of the cease-fire throughout South Vietnam;

Article 3(a), regarding the cease-fire by U.S. forces and those of other foreign countries referred to in that Article;

Article 3(c), regarding the cease-fire between all the parties in South Vietnam;

Article 5, regarding the withdrawal from Vietnam of U.S. troops and those of the other foreign countries mentioned in Article 3(a);

Article 6, regarding the dismantlement of military bases in South Vietnam of the United States and those of the other foreign countries mentioned in Article 3(a);

Article 8(a), regarding the return of captured military personnel and foreign civilians of the parties.

The International Commission of Control and Supervision shall form control teams for carrying out its task. The four parties shall agree immediately on the location and operation of these teams. The parties will facilitate their operation.

(c) Until the International Conference makes definitive arrangements, the International Commission of Control and Supervision will report to the two South Vietnamese parties on matters concerning the control and supervision of the implementation of the following provisions of this Agreement:

The first paragraph of Article 2, regarding the enforcement of the cease-fire throughout South Vietnam, when the Four-Party Joint Military Commission has ended its activities;

Article 3(b), regarding the cease-fire between the two South Vietnamese parties;

Article 3(c), regarding the cease-fire between all parties in South Vietnam, when the Four-Party Joint Military Commission has ended its activities;

Article 7, regarding the prohibition of the introduction of troops into South Vietnam and all other provisions of this Article;

Article 8(c), regarding the question of the return of Vietnamese civilian personnel captured and detained in South Vietnam;

Article 9(b), regarding the free and democratic general elections in South Vietnam;

Article 13, regarding the reduction of the military effectives of the two South Vietnamese parties and the demobilization of the troops being reduced.

The International Commission of Control and Supervision shall form control teams for carrying out its tasks. The two South Vietnamese parties shall agree immediately on the location and operation of these teams. The two South Vietnamese parties will facilitate their operation.

(d) The International Commission of Control and Supervision shall be composed of representatives of four countries: Canada, Hungary, Indonesia and Poland. The chairmanship of this Commission will rotate among the members for specific periods to be determined by the Commission.

(e) The International Commission of Control and Supervision shall carry out its tasks in accordance with the principle of respect for the sovereignty of South Vietnam.

(f) The International Commission of Control and Supervision shall operate in accordance with the principle of consultations and unanimity.

(g) The International Commission of Control and Supervision shall begin operating when a cease-fire comes into force in Vietnam. As regards the provisions in Article 18(b) concerning the four parties, the International Commission of Control and Supervision shall end its activities when the Commission's tasks of control and supervision regarding these provisions have been fulfilled. As regards the provisions in Article 18(c) concerning the two South Vietnamese parties, the International Commission of Control and Supervision shall end its activities on the request of the government formed after the general elections in South Vietnam provided for in Article 9(b).

(h) The four parties shall agree immediately on the organization, means of activity, and expenditures of the International Commission of Control and Supervision. The relationship between the International Commission and the International Conference will be agreed upon by the International Commission and the International Conference.

#### *Article 19*

The parties agree on the convening of an International Conference within thirty days of the signing of this Agreement to acknowledge the signed agreements; to guarantee the ending of the war, the maintenance of peace in Vietnam, the respect of the Vietnamese people's fundamental national rights, and the South Vietnamese people's rights to self-determination; and to contribute to and guarantee peace in Indochina.

The United States and the Democratic Republic of Vietnam, on behalf of the parties participating in the Paris Conference on Vietnam, will propose to the following parties that they participate in this International Conference; the People's Republic of China, the Republic of France, the Union of Soviet Socialist Republics, the United Kingdom, the four countries of the International Commission of Control and Supervision, and the Secretary General of the United Nations, together with the parties participating in the Paris Conference on Vietnam.

### **Chapter VII**

#### **REGARDING CAMBODIA AND LAOS**

#### *Article 20*

(a) The parties participating in the Paris Conference on Vietnam shall strictly respect the 1954 Geneva Agreement on Cambodia and the 1962 Geneva Agreements on Laos, which recognized the Cambodian and the Lao peoples' fundamental national rights, i.e., the independence, sovereignty, unity, and territorial integrity of these countries. The parties shall respect the neutrality of Cambodia and Laos.

The parties participating in the Paris Conference on Vietnam undertake to refrain from using the territory of Cambodia and the territory of Laos to encroach on the sovereignty and security of one another and of other countries.

(b) Foreign countries shall put an end to all military activities in Cambodia and Laos, totally withdraw from and refrain from reintroducing into these two countries troops, military advisers and military personnel, armaments, munitions and war material.

(c) The internal affairs of Cambodia and Laos shall be settled by the people of each of these countries without foreign interference.

(d) The problems existing between the Indochinese countries shall be settled by the Indochinese parties on the basis of respect for each other's independence, sovereignty, and territorial integrity, and non-interference in each other's internal affairs.

### **Chapter VIII**

#### **THE RELATIONSHIP BETWEEN THE UNITED STATES AND THE DEMOCRATIC REPUBLIC OF VIETNAM**

##### *Article 21*

The United States anticipates that this Agreement will usher in an era of reconciliation with the Democratic Republic of Vietnam as with all the peoples of Indochina. In pursuance of its traditional policy, the United States will contribute to healing the wounds of war and to postwar reconstruction of the Democratic Republic of Vietnam and throughout Indochina.

##### *Article 22*

The ending of the war, the restoration of peace in Vietnam, and the strict implementation of this Agreement will create conditions for establishing a new, equal and mutually beneficial relationship between the United States and the Democratic Republic of Vietnam on the basis of respect for each other's independence and sovereignty, and non-interference in each other's internal affairs. At the same time this will ensure stable peace in Vietnam and contribute to the preservation of lasting peace in Indochina and Southeast Asia.

### **Chapter IX**

#### **OTHER PROVISIONS**

##### *Article 23*

This Agreement shall enter into force upon signature by plenipotentiary representatives of the parties participating in the Paris Conference on Vietnam. All the parties concerned shall strictly implement this Agreement and its Protocols.

Done in Paris this twenty-seventh day of January, One Thousand Nine Hundred and Seventy-Three, in Vietnamese and English. The Vietnamese and English texts are official and equally authentic.

[Separate Numbered Page]

For the Government of the United States of America:

**WILLIAM P. ROGERS,**  
*Secretary of State.*

For the Government of the Republic of Vietnam:

TRAN VAN LAM,  
*Minister for Foreign Affairs.*

[Separate Numbered Page]

For the Government of the Democratic Republic of Vietnam:

NGUYEN DUY TRINH,  
*Minister for Foreign Affairs.*

For the Provisional Revolutionary Government of the Republic of South Vietnam:

NGUYEN THI BINH,  
*Minister for Foreign Affairs.*

#### AGREEMENT ON ENDING THE WAR AND RESTORING PEACE IN VIETNAM

The Government of the United States of America, with the concurrence of the Government of the Republic of Vietnam,

The Government of the Democratic Republic of Vietnam, with the concurrence of the provisional Revolutionary Government of the Republic of South Vietnam,

With a view to ending the war and restoring peace in Vietnam on the basis of respect for the Vietnamese people's fundamental national rights and the South Vietnamese people's right to self-determination, and to contributing to the consolidation of peace in Asia and the world,

Have agreed on the following provisions and undertake to respect and to implement them:

[Text of Agreement Chapters I-VIII Same As Above]

#### Chapter IX

##### OTHER PROVISIONS

##### Article 23

The Paris Agreement on Ending the War and Restoring Peace in Vietnam shall enter into force upon signature of this document by the Secretary of State of the Government of the United States of America and the Minister for Foreign Affairs of the Government of the Democratic Republic of Vietnam, and upon signature of a document in the same terms by the Secretary of State of the Government of the United States of America, the Minister for Foreign Affairs of the Government of the Republic of Vietnam, the Minister for Foreign Affairs of the Government of the Democratic Republic of Vietnam, and the Minister for Foreign Affairs of the Provisional Revolutionary Government of the Republic of South Vietnam. The Agreement and the protocols to it shall be strictly implemented by all the parties concerned.

Done in Paris this twenty-seventh day of January, One Thousand Nine Hundred and Seventy-Three, in Vietnamese and English. The Vietnamese and English texts are official and equally authentic.

For the Government of the United States of America:

WILLIAM P. ROGERS,  
*Secretary of State.*

For the Government of the Democratic Republic of Vietnam:

NGUYEN DUY TRINH,  
*Minister for Foreign Affairs.*



**APPENDIX B**

**PROTOCOL ON THE CEASE-FIRE IN  
SOUTH VIETNAM  
AND THE JOINT MILITARY COMMISSIONS**

[White House press release dated January 24]

**PROTOCOL TO THE AGREEMENT ON ENDING THE WAR AND RESTORING PEACE  
IN VIETNAM CONCERNING THE CEASE-FIRE IN SOUTH VIETNAM AND THE  
JOINT MILITARY COMMISSIONS**

The parties participating in the Paris Conference on Vietnam,  
In implementation of the first paragraph of Article 2, Article 3, Article 5,  
Article 6, Article 16 and Article 17 of the Agreement on Ending the War and  
Restoring Peace in Vietnam signed on this date which provide for the cease-fire in  
South Vietnam and the establishment of a Four-Party Joint Military Commission  
and a Two-Party Joint Military Commission,  
Have agreed as follows:

**CEASE-FIRE IN SOUTH VIETNAM**

*Article 1*

The High Commands of the parties in South Vietnam shall issue prompt and  
timely orders to all regular and irregular armed forces and the armed police under  
their command to completely end hostilities throughout South Vietnam, at the  
exact time stipulated in Article 2 of the Agreement and ensure that these armed  
forces and armed police comply with these orders and respect the cease-fire.

*Article 2*

(a) As soon as the cease-fire comes into force and until regulations are issued  
by the Joint Military Commissions, all ground, river, sea and air combat forces of  
the parties in South Vietnam shall remain in place; that is, in order to ensure a  
stable cease-fire, there shall be no major redeployments or movements that would  
extend each party's area of control or would result in contact between opposing  
armed forces and clashes which might take place.

(b) All regular and irregular armed forces and the armed police of the parties  
in South Vietnam shall observe the prohibition of the following acts:

(1) Armed patrols into areas controlled by opposing armed forces and flights  
by bomber and fighter aircraft of all types, except for unarmed flights for  
proficiency training and maintenance;

- (2) Armed attacks against any person, either military or civilian, by any means whatsoever, including the use of small arms, mortars, artillery, bombing and strafing by airplanes and any other type of weapon or explosive device;
- (3) All combat operations on the ground, on rivers, on the sea and in the air;
- (4) All hostile acts, terrorism or reprisals; and
- (5) All acts endangering lives or public or private property.

*Article 3*

- (a) The above-mentioned prohibitions shall not hamper or restrict:
  - (1) Civilian supply, freedom of movement, freedom to work, and freedom of the people to engage in trade, and civilian communication and transportation between and among all areas in South Vietnam;
  - (2) The use by each party in areas under its control of military support elements, such as engineer and transportation units, in repair and construction of public facilities and the transportation and supplying of the population;
  - (3) Normal military proficiency training conducted by the parties in the areas under their respective control with due regard for public safety.
- (b) The Joint Military Commissions shall immediately agree on corridors, routes, and other regulations governing the movement of military transport aircraft, military transport vehicles, and military transport vessels of all types of one party going through areas under the control of other parties.

*Article 4*

In order to avert conflict and ensure normal conditions for those armed forces which are in direct contact, and pending regulation by the Joint Military Commissions, the commanders of the opposing armed forces at those places of direct contact shall meet as soon as the cease-fire comes into force with a view to reaching an agreement on temporary measures to avert conflict and to ensure supply and medical care for these armed forces.

*Article 5*

- (a) Within fifteen days after the cease-fire comes into effect, each party shall do its utmost to complete the removal or deactivation of all demolition objects, mine-fields, traps, obstacles or other dangerous objects placed previously, so as not to hamper the population's movement and work, in the first place on waterways, roads and railroads in South Vietnam. Those mines which cannot be removed or deactivated within that time shall be clearly marked and must be removed or deactivated as soon as possible.
- (b) Emplacement of mines is prohibited, except as a defensive measure around the edges of military installations in places where they do not hamper the population's movement and work, and movement on waterways, roads and railroads. Mines and other obstacles already in place at the edges of military installations may remain in place if they are in places where they do not hamper the population's movement and work, and movement on waterways, roads and railroads.

*Article 6*

Civilian police and civilian security personnel of the parties in South Vietnam, who are responsible for the maintenance of law and order, shall strictly respect the prohibitions set forth in Article 2 of this Protocol. As required by their responsibilities, normally they shall be authorized to carry pistols, but when required by unusual circumstances, they shall be allowed to carry other small individual arms.

*Article 7*

(a) The entry into South Vietnam of replacement armaments, munitions, and war material permitted under Article 7 of the Agreement shall take place under the supervision and control of the Two-Party Joint Military Commission and of the International Commission of Control and Supervision and through such points of entry only as are designated by the two South Vietnamese parties. The two South Vietnamese parties shall agree on these points of entry within fifteen days after the entry into force of the cease-fire. The two South Vietnamese parties may select as many as six points of entry which are not included in the list of places where teams of the International Commission of Control and Supervision are to be based contained in Article 4(d) of the Protocol concerning the International Commission. At the same time, the two South Vietnamese parties may also select points of entry from the list of places set forth in Article 4(d) of that Protocol.

(b) Each of the designated points of entry shall be available only for that South Vietnamese party which is in control of that point. The two South Vietnamese parties shall have an equal number of points of entry.

*Article 8*

(a) In implementation of Article 5 of the Agreement, the United States and the other foreign countries referred to in Article 5 of the Agreement shall take with them all their armaments, munitions, and war material. Transfers of such items which would leave them in South Vietnam shall not be made subsequent to the entry into force of the Agreement except for transfers of communications, transport, and other non-combat material to the Four-Party Joint Military Commission or the International Commission of Control and Supervision.

(b) Within five days after the entry into force of the cease-fire, the United States shall inform the Four-Party Joint Military Commission and the International Commission of Control and Supervision of the general plans for timing of complete troop withdrawals which shall take place in four phases of fifteen days each. It is anticipated that the numbers of troops withdrawn in each phase are not likely to be widely different, although it is not feasible to ensure equal numbers. The approximate numbers to be withdrawn in each phase shall be given to the Four-Party Joint Military Commission and the International Commission of Control and Supervision sufficiently in advance of actual withdrawals so that they can properly carry out their tasks in relation thereto.

*Article 9*

(a) In implementation of Article 6 of the Agreement, the United States and the other foreign countries referred to in that Article shall dismantle and remove from South Vietnam or destroy all military bases in South Vietnam of the United States and of the other foreign countries referred to in that Article, including weapons, mines, and other military equipment at these bases, for the purpose of making them unusable for military purposes.

(b) The United States shall supply the Four-Party Joint Military Commission and the International Commission of Control and Supervision with necessary information on plans for base dismantlement so that those Commissions can properly carry out their tasks in relation thereto.

## THE JOINT MILITARY COMMISSIONS

*Article 10*

(a) The implementation of the Agreement is the responsibility of the parties signatory to the Agreement.

The Four-Party Joint Military Commission has the task of ensuring joint action by the parties in implementing the Agreement by serving as a channel of communication among the parties, by drawing up plans and fixing the modalities to carry out, coordinate, follow and inspect the implementation of the provisions mentioned in Article 16 of the Agreement, and by negotiating and settling all matters concerning the implementation of those provisions.

(b) The concrete tasks of the Four-Party Joint Military Commission are:

(1) To coordinate, follow and inspect the implementation of the above-mentioned provisions of the Agreement by the four parties;

(2) To deter and detect violations, to deal with cases of violation, and to settle conflicts and matters of contention between the parties relating to the above mentioned provisions;

(3) To dispatch without delay one or more joint teams, as required by specific cases, to any part of South Vietnam, to investigate alleged violations of the Agreement and to assist the parties in finding measures to prevent recurrence of similar cases;

(4) To engage in observation at the places where this is necessary in the exercise of its functions;

(5) To perform such additional tasks as it may, by unanimous decision, determine.

*Article 11*

(a) There shall be a Central Joint Military Commission located in Saigon. Each party shall designate immediately a military delegation of fifty-nine persons to represent it on the Central Commission. The senior officer designated by each party shall be a general officer, or equivalent.

(b) There shall be seven Regional Joint Military Commissions located in the regions shown on the annexed map and based at the following places:

<i>Regions:</i>	<i>Places</i>	<i>Regions:</i>	<i>Places</i>
I.....	Hué	V.....	Bien Hoa
II.....	Danang	VI.....	My Tho
III.....	Pleiku	VII.....	Can Tho
IV.....	Phan Thiet		

Each party shall designate a military delegation of sixteen persons to represent it on each Regional Commission. The senior officer designated by each party shall be an officer from the rank of Lieutenant Colonel to Colonel or equivalent.

(c) There shall be a joint military team operating in each of the areas shown on the annexed map and based at each of the following places in South Vietnam:

<i>Region I</i>	Phan Rang
Quang Tri	<i>Region V</i>
Phu Bai	An Loc
<i>Region II</i>	Xuan Loc
Hoi An	Ben Cat
Tam Ky	Cu Chi
Chu Lai	Tan An
<i>Region III</i>	<i>Region VI</i>
Kontum	Moc Hoa
Hau Bon	Giong Trom
Phu Cat	<i>Region VII</i>
Tuy An	Tri Ton
Ninh Hoa	Vinh Long
Ban Me Thuot	Vi Thanh
<i>Region IV</i>	Khanh Hung
Da Lat	Quan Long
Bao Loc	

Each party shall provide four qualified persons for each joint military team. The senior person designated by each party shall be an officer from the rank of Major to Lieutenant Colonel, or equivalent.

(d) The Regional Joint Military Commissions shall assist the Central Joint Military Commission in performing its tasks and shall supervise the operations of the joint military teams. The region of Saigon-Gia Dinh is placed under the responsibility of the Central Commission which shall designate joint military teams to operate in this region.

(e) Each party shall be authorized to provide support and guard personnel for its delegations to the Central Joint Military Commission and Regional Joint Military Commissions, and for its members of the joint military teams. The total number of support and guard personnel for each party shall not exceed five hundred and fifty.

(f) The Central Joint Military Commission may establish such joint sub-commissions, joint staffs and joint military teams as circumstances may require.

The Central Commission shall determine the numbers of personnel required for any additional sub-commissions, staffs or teams it establishes, provided that each party shall designate one-fourth of the number of personnel required and that the total number of personnel for the Four-Party Joint Military Commission, to include its staffs, teams, and support personnel, shall not exceed three thousand three hundred.

(g) The delegations of the two South Vietnamese parties may, by agreement, establish provisional sub-commissions and joint military teams to carry out the tasks specifically assigned to them by Article 17 of the Agreement. With respect to Article 7 of the Agreement, the two South Vietnamese parties' delegations to the Four-Party Joint Military Commission shall establish joint military teams at the points of entry into South Vietnam used for replacement of armaments, munitions and war material which are designated in accordance with Article 7 of this Protocol. From the time the cease-fire comes into force to the time when the Two-Party Joint Military Commission becomes operational, the two South Vietnamese parties' delegations to the Four-Party Joint Military Commission shall form a provisional sub-commission and provisional joint military teams to carry out its tasks concerning captured and detained Vietnamese civilian personnel. Where necessary for the above purposes, the two South Vietnamese parties may agree to assign personnel additional to those assigned to the two South Vietnamese delegations to the Four-Party Joint Military Commission.

#### *Article 12*

(a) In accordance with Article 17 of the Agreement which stipulates that the two South Vietnamese parties shall immediately designate their respective representatives to form the Two-Party Joint Military Commission, twenty-four hours after the cease-fire comes into force, the two designated South Vietnamese parties' delegations to the Two-Party Joint Military Commission shall meet in Saigon so as to reach an agreement as soon as possible on organization and operation of the Two-Party Joint Military Commission, as well as the measures and organization aimed at enforcing the cease-fire and preserving peace in South Vietnam.

(b) From the time the cease-fire comes into force to the time when the Two-Party Joint Military Commission becomes operational, the two South Vietnamese parties' delegations to the Four-Party Joint Military Commission at all levels shall simultaneously assume the tasks of the Two-Party Joint Military Commission at all levels, in addition to their functions as delegations to the Four-Party Joint Military Commission.

(c) If, at the time the Four-Party Joint Military Commission ceases its operation in accordance with Article 16 of the Agreement, agreement has not been reached on organization of the Two-Party Joint Military Commission, the delegations of the two South Vietnamese parties serving with the Four-Party Joint Military Commission at all levels shall continue temporarily to work together as a provisional two-party joint military commission and to assume the tasks of the Two-Party Joint Military Commission at all levels until the Two-Party Joint Military Commission becomes operational.



*Article 13*

In application of the principle of unanimity, the Joint Military Commissions shall have no chairman, and meetings shall be convened at the request of any representative. The Joint Military Commissions shall adopt working procedures appropriate for the effective discharge of their functions and responsibilities.

*Article 14*

The Joint Military Commissions and the International Commission of Control and Supervision shall closely cooperate with and assist each other in carrying out their respective functions. Each Joint Military Commission shall inform the International Commission about the implementation of those provisions of the Agreement for which that Joint Military Commission has responsibility and which are within the competence of the International Commission. Each Joint Military Commission may request the International Commission to carry out specific observation activities.

*Article 15*

The Central Four-Party Joint Military Commission shall begin operating twenty-four hours after the cease-fire comes into force. The Regional Four-Party Joint Military Commissions shall begin operating forty-eight hours after the cease-fire comes into force. The joint military teams based at the places listed in Article 11 (c) of this Protocol shall begin operating no later than fifteen days after the cease-fire comes into force. The delegations of the two South Vietnamese parties shall simultaneously begin to assume the tasks of the Two-Party Joint Military Commission as provided in Article 12 of this Protocol.

*Article 16*

(a) The parties shall provide full protection and all necessary assistance and cooperation to the Joint Military Commissions at all levels, in the discharge of their tasks.

(b) The Joint Military Commissions and their personnel, while carrying out their tasks, shall enjoy privileges and immunities equivalent to those accorded diplomatic missions and diplomatic agents.

(c) The personnel of the Joint Military Commissions may carry pistols and wear special insignia decided upon by each Central Joint Military Commission. The personnel of each party while guarding Commission installations or equipment may be authorized to carry other individual small arms, as determined by each Central Joint Military Commission.

*Article 17*

(a) The delegation of each party to the Four-Party Joint Military Commission and the Two-Party Joint Military Commission shall have its own offices, communications, logistics and transportation means, including aircraft when necessary.

(b) Each party in its areas of control shall provide appropriate office and accommodation facilities to the Four-Party Joint Military Commission and the Two-Party Joint Military Commission at all levels.



(c) The parties shall endeavor to provide to the Four-Party Joint Military Commission and the Two-Party Joint Military Commission, by means of loan, lease, or gift, the common means of operation, including equipment for communication, supply, and transport, including aircraft when necessary. The Joint Military Commissions may purchase from any source necessary facilities, equipment, and services which are not supplied by the parties. The Joint Military Commissions shall possess and use these facilities and this equipment.

(d) The facilities and the equipment for common use mentioned above shall be returned to the parties when the Joint Military Commissions have ended their activities.

#### *Article 18*

The common expenses of the Four-Party Joint Military Commission shall be borne equally by the four parties, and the common expenses of the Two-Party Joint Military Commission in South Vietnam shall be borne equally by these two parties.

#### *Article 19*

This Protocol shall enter into force upon signature by plenipotentiary representatives of all the parties participating in the Paris Conference on Vietnam. It shall be strictly implemented by all the parties concerned.

DONE in Paris this twenty-seventh day of January, One Thousand Nine Hundred and Seventy-Three, in Vietnamese and English. The Vietnamese and English texts are official and equally authentic.

[Separate Numbered Page]

For the Government of the United States of America:

WILLIAM P. ROGERS,  
*Secretary of State.*

For the Government of the Republic of Vietnam:

TRAN VAN LAM,  
*Minister for Foreign Affairs.*

[Separate Numbered Page]

For the Government of the Democratic Republic of Vietnam:

NGUYEN DUY TRINH,  
*Minister for Foreign Affairs.*

For the Provisional Revolutionary Government of the Republic of South Vietnam:

NGUYEN THI BINH,  
*Minister for Foreign Affairs.*

#### **PROTOCOL TO THE AGREEMENT ON ENDING THE WAR AND RESTORING PEACE IN VIETNAM CONCERNING THE CEASE-FIRE IN SOUTH VIETNAM AND THE JOINT MILITARY COMMISSIONS**

**The Government of the United States of America, with the concurrence of the  
Government of the Republic of Vietnam,**

The Government of the Democratic Republic of Vietnam, with the concurrence of the Provisional Revolutionary Government of the Republic of South Vietnam,

In implementation of the first paragraph of Article 2, Article 3, Article 5, Article 6, Article 16 and Article 17 of the Agreement on Ending the War and Restoring Peace in Vietnam signed on this date which provide for the cease-fire in South Vietnam and the establishment of a Four-Party Joint Military Commission and a Two-Party Joint Military Commission,

Have agreed as follows:

[Text of Protocol Articles 1-18 same as above]

*Article 19*

The Protocol to the Paris Agreement on Ending the War and Restoring Peace in Vietnam concerning the Cease-fire in South Vietnam and the Joint Military Commissions shall enter into force upon signature of this document by the Secretary of State of the Government of the United States of America and the Minister for Foreign Affairs of the Government of the Democratic Republic of Vietnam, and upon signature of a document in the same terms by the Secretary of State of the Government of the United States of America, the Minister for Foreign Affairs of the Government of the Republic of Vietnam, the Minister for Foreign Affairs of the Government of the Democratic Republic of Vietnam, and the Minister for Foreign Affairs of the Provisional Revolutionary Government of the Republic of South Vietnam. The Protocol shall be strictly implemented by all the parties concerned.

DONE in Paris this twenty-seventh day of January, One Thousand Nine Hundred and Seventy-Three, in Vietnamese and English. The Vietnamese and English texts are official and equally authentic.

For the Government of the United States of America:

WILLIAM P. ROGERS,  
*Secretary of State.*

For the Government of the Republic of Vietnam:

NGUYEN DUY TRINH,  
*Minister for Foreign Affairs.*

## **APPENDIX C**

### **PROTOCOL ON PRISONERS AND DETAINEES**

[White House press release dated January 24]

#### **PROTOCOL TO THE AGREEMENT ON ENDING THE WAR AND RESTORING PEACE IN VIETNAM CONCERNING THE RETURN OF CAPTURED MIL- ITARY PERSONNEL AND FOREIGN CIVILIANS AND CAPTURED AND DE- TAINED VIETNAMESE CIVILIAN PERSONNEL**

The Parties participating in the Paris Conference on Vietnam,  
In implementation of Article 8 of the Agreement on Ending the War and  
Restoring Peace in Vietnam signed on this date providing for the return of captured  
military personnel and foreign civilians, and captured and detained Vietnamese  
civilian personnel,

Have agreed as follows:

#### **THE RETURN OF CAPTURED MILITARY PERSONNEL AND FOREIGN CIVILIANS**

##### *Article 1*

The parties signatory to the Agreement shall return the captured military  
personnel of the parties mentioned in Article 3(a) of the Agreement as follows:

All captured military personnel of the United States and those of the other  
foreign countries mentioned in Article 3(a) of the Agreement shall be returned to  
United States authorities;

All captured Vietnamese military personnel, whether belonging to regular or  
irregular armed forces, shall be returned to the two South Vietnamese parties; they  
shall be returned to that South Vietnamese party under whose command they  
served.

##### *Article 2*

All captured civilians who are nationals of the United States or of any other  
foreign countries mentioned in Article 3(a) of the Agreement shall be returned to  
United States authorities. All other captured foreign civilians shall be returned to  
the authorities of their country of nationality by any one of the parties willing and  
able to do so.

*Article 3*

The parties shall today exchange complete lists of captured persons mentioned in Articles 1 and 2 of this Protocol.

*Article 4*

(a) The return of all captured persons mentioned in Articles 1 and 2 of this Protocol shall be completed within sixty days of the signing of the Agreement at a rate no slower than the rate of withdrawal from South Vietnam of United States forces and those of the other foreign countries mentioned in Article 5 of the Agreement.

(b) Persons who are seriously ill, wounded or maimed, old persons and women shall be returned first. The remainder shall be returned either by returning all from one detention place after another or in order of their dates of capture, beginning with those who have been held the longest.

*Article 5*

The return and reception of the persons mentioned in Articles 1 and 2 of this Protocol shall be carried out at places convenient to the concerned parties. Places of return shall be agreed upon by the Four-Party Joint Military Commission. The parties shall ensure the safety of personnel engaged in the return and reception of those persons.

*Article 6*

Each party shall return all captured persons mentioned in Articles 1 and 2 of this Protocol without delay and shall facilitate their return and reception. The detaining parties shall not deny or delay their return for any reason, including the fact that captured persons may, on any grounds, have been prosecuted or sentenced.

THE RETURN OF CAPTURED AND DETAINED VIETNAMESE CIVILIAN PERSONNEL

*Article 7*

(a) The question of the return of Vietnamese civilian personnel captured and detained in South Vietnam will be resolved by the two South Vietnamese parties on the basis of the principles of Article 21 (b) of the Agreement on the Cessation of Hostilities in Vietnam of July 20, 1954, which reads as follows:

"The term 'civilian internees' is understood to mean all persons who, having in any way contributed to the political and armed struggle between the two parties, have been arrested for that reason and have been kept in detention by either party during the period of hostilities."

(b) The two South Vietnamese parties will do so in a spirit of national reconciliation and concord with a view to ending hatred and enmity in order to ease suffering and to reunite families. The two South Vietnamese parties will do their utmost to resolve this question within ninety days after the cease-fire comes into effect.

(c) Within fifteen days after the cease-fire comes into effect, the two South Vietnamese parties shall exchange lists of the Vietnamese civilian personnel captured and detained by each party and lists of the places at which they are held.

## TREATMENT OF CAPTURED PERSONS DURING DETENTION

*Article 8*

(a) All captured military personnel of the parties and captured foreign civilians of the parties shall be treated humanely at all times, and in accordance with international practice.

They shall be protected against all violence to life and person, in particular against murder in any form, mutilation, torture and cruel treatment, and outrages upon personal dignity. These persons shall not be forced to join the armed forces of the detaining party.

They shall be given adequate food, clothing, shelter, and the medical attention required for their state of health. They shall be allowed to exchange post cards and letters with their families and receive parcels.

(b) All Vietnamese civilian personnel captured and detained in South Vietnam shall be treated humanely at all times, and in accordance with international practice.

They shall be protected against all violence to life and person, in particular against murder in any form, mutilation, torture and cruel treatment, and outrages against personal dignity. The detaining parties shall not deny or delay their return for any reason, including the fact that captured persons may, on any grounds, have been prosecuted or sentenced. These persons shall not be forced to join the armed forces of the detaining party.

They shall be given adequate food, clothing, shelter, and the medical attention required for their state of health. They shall be allowed to exchange post cards and letters with their families and receive parcels.

*Article 9*

(a) To contribute to improving the living conditions of the captured military personnel of the parties and foreign civilians of the parties, the parties shall, within fifteen days after the cease-fire comes into effect, agree upon the designation of two or more national Red Cross societies to visit all places where captured military personnel and foreign civilians are held.

(b) To contribute to improving the living conditions of the captured and detained Vietnamese civilian personnel, the two South Vietnamese parties shall, within fifteen days after the cease-fire comes into effect, agree upon the designation of two or more national Red Cross societies to visit all places where the captured and detained Vietnamese civilian personnel are held.

## WITH REGARD TO DEAD AND MISSING PERSONS

*Article 10*

(a) The Four-Party Joint Military Commission shall ensure joint action by the parties in implementing Article 8 (b) of the Agreement. When the Four-Party Joint Military Commission has ended its activities, a Four-Party Joint Military team shall be maintained to carry on this task.

(b) With regard to Vietnamese civilian personnel dead or missing in South Vietnam, the two South Vietnamese parties shall help each other to obtain information about missing persons, determine the location and take care of the graves of

the dead, in a spirit of national reconciliation and concord, in keeping with the people's aspirations.

#### OTHER PROVISIONS

##### *Article 11*

(a) The Four-Party and Two-Party Joint Military Commissions will have the responsibility of determining immediately the modalities of implementing the provisions of this Protocol consistent with their respective responsibilities under Articles 16 (a) and 17 (a) of the Agreement. In case the Joint Military Commissions, when carrying out their tasks, cannot reach agreement on a matter pertaining to the return of captured personnel they shall refer to the International Commission for its assistance.

(b) The Four-Party Joint Military Commission shall form, in addition to the teams established by the Protocol concerning the cease-fire in South Vietnam and the Joint Military Commissions, a sub-commission on captured persons and, as required, joint military teams on captured persons to assist the Commission in its tasks.

(c) From the time the cease-fire comes into force to the time when the Two-Party Joint Military Commission becomes operational, the two South Vietnamese parties' delegations to the Four-Party Joint Military Commission shall form a provisional sub-commission and provisional joint military teams to carry out its tasks concerning captured and detained Vietnamese civilian personnel.

(d) The Four-Party Joint Military Commission shall send joint military teams to observe the return of the persons mentioned in Articles 1 and 2 of this Protocol at each place in Vietnam where such persons are being returned, and at the last detention places from which these persons will be taken to the places of return. The Two-Party Joint Military Commission shall send joint military teams to observe the return of Vietnamese civilian personnel captured and detained at each place in South Vietnam where such persons are being returned, and at the last detention places from which these persons will be taken to the places of return.

##### *Article 12*

In implementation of Articles 18 (b) and 18 (c) of the Agreement, the International Commission of Control and Supervision shall have the responsibility to control and supervise the observance of Articles 1 through 7 of this Protocol through observation of the return of captured military personnel, foreign civilians and captured and detained Vietnamese civilian personnel at each place in Vietnam where these persons are being returned, and at the last detention places from which these persons will be taken to the places of return, the examination of lists, and the investigation of violations of the provisions of the above-mentioned Articles.

##### *Article 13*

Within five days after signature of this Protocol, each party shall publish the text of the Protocol and communicate it to all the captured persons covered by the Protocol and being detained by that party.

*Article 14*

This Protocol shall come into force upon signature by plenipotentiary representatives of all the parties participating in the Paris Conference on Vietnam. It shall be strictly implemented by all the parties concerned.

DONE in Paris this twenty-seventh day of January, One Thousand Nine Hundred and Seventy-Three, in Vietnamese and English. The Vietnamese and English texts are official and equally authentic.

[Separate Numbered Page]

For the Government of the United States of America:

WILLIAM P. ROGERS,  
*Secretary of State.*

For the Government of the Republic of Vietnam:

TRAN VAN LAM,  
*Minister for Foreign Affairs.*

[Separate Numbered Page]

For the Government of the Democratic Republic of Vietnam:

NGUYEN DUY TRINH,  
*Minister for Foreign Affairs.*

For the Provisional Revolutionary Government of the Republic of South Vietnam:

NGUYEN THI BINH,  
*Minister for Foreign Affairs.*

PROTOCOL TO THE AGREEMENT ON ENDING THE WAR AND RESTORING  
PEACE IN VIETNAM CONCERNING THE RETURN OF CAPTURED MIL-  
ITARY PERSONNEL AND FOREIGN CIVILIANS AND CAPTURED AND DE-  
TAINED VIETNAMESE CIVILIAN PERSONNEL

The Government of the United States of America, with the concurrence of the Government of the Republic of Vietnam,

The Government of the Democratic Republic of Vietnam, with the concurrence of the Provisional Revolutionary Government of the Republic of South Vietnam,

In implementation of Article 8 of the Agreement on Ending the War and Restoring Peace in Vietnam signed on this date providing for the return of captured military personnel and foreign civilians, and captured and detained Vietnamese civilian personnel,

Have agreed as follows:

[Text of Protocol Articles 1-13 same as above]

*Article 14*

The Protocol to the Paris Agreement on Ending the War and Restoring Peace in Vietnam concerning the Return of Captured Military Personnel and Foreign Civilians and Captured and Detained Vietnamese Civilian Personnel shall enter into force upon signature of this document by the Secretary of State of the

Government of the United States of America and the Minister for Foreign Affairs of the Government of the Democratic Republic of Vietnam, and upon signature of the United States of America, the Minister for Foreign Affairs of the Government of the Republic of Vietnam, the Minister for Foreign Affairs of the Government of the Democratic Republic of Vietnam, and the Minister for Foreign Affairs of the Provisional Revolutionary Government of the Republic of South Vietnam. The Protocol shall be strictly implemented by all the parties concerned.

DONE in Paris this twenty-seventh day of January, One Thousand Nine Hundred and Seventy-Three, in Vietnamese and English. The Vietnamese and English texts are official and equally authentic.

For the Government of the United States of America:

WILLIAM P. ROGERS,  
*Secretary of State.*

For the Government of the Democratic Republic of Vietnam:

NGUYEN DUY TRINH,  
*Minister for Foreign Affairs.*



## **APPENDIX D**

# **PROTOCOL ON THE INTERNATIONAL COMMISSION OF CONTROL AND SUPERVISION**

[White House press release dated January 24]

### **PROTOCOL TO THE AGREEMENT ON ENDING THE WAR AND RESTORING PEACE IN VIETNAM CONCERNING THE INTERNATIONAL COMMISSION OF CONTROL AND SUPERVISION**

The parties participating in the Paris Conference on Vietnam,  
In implementation of Article 18 of the Agreement signed on this date providing for the formulation of the International Commission of Control and Supervision,

Have agreed as follows:

#### *Article 1*

The implementation of the Agreement is the responsibility of the parties signatory to the Agreement.

The functions of the International Commission are to control and supervise the implementation of the provisions mentioned in Article 18 of the Agreement. In carrying out these functions, the International Commission shall:

- (a) Follow the implementation of the above-mentioned provisions of the Agreement through communication with the parties and on-the-spot observation at the places where this is required;
- (c) When necessary, cooperate with the Joint Military Commissions in deterring and detecting violations of the above-mentioned provisions.

#### *Article 2*

The International Commission shall investigate violations of the provisions described in Article 18 of the Agreement on the request of the Four-Party Joint Military Commission, or of the Two-Party Joint Military Commission, or of any party, or, with respect to Article 9(b) of the Agreement on general elections, of the National Council on National Reconciliation and Concord, or in any case where the International Commission has other adequate grounds for considering that there has been a violation of those provisions. It is understood that, in carrying out this task, the International Commission shall function with the concerned parties' assistance and cooperation as required.

*Article 3*

(a) When the International Commission finds that there is a serious violation in the implementation of the Agreement or a threat to peace against which the Commission can find no appropriate measure, the Commission shall report this to the four parties to the Agreement so that they can hold consultations to find a solution.

(b) In accordance with Article 18 (f) of the Agreement, the International Commission's reports shall be made with the unanimous agreement of the representatives of all the four members. In case no unanimity is reached, the Commission shall forward the different views to the four parties in accordance with Article 18 (b) of the Agreement, or to the two South Vietnamese parties in accordance with Article 18 (c) of the Agreement, but these shall not be considered as reports of the Commission.

*Article 4*

(a) The headquarters of the International Commission shall be at Saigon.

(b) There shall be seven regional teams located in the regions shown on the annexed map and based at the following places:

Region I, Hue; Region II, Danang; Region III, Pleiku; Region IV, Phan Thiet; Region V, Bien Hoa; Region VI, My Tho; and Region VII, Can Tho.

The International Commission shall designate three teams for the region of Saigon-Gia Dinh.

(c) There shall be twenty-six teams operating in the areas shown on the annexed map and based at the following places in South Vietnam:

Region I. Quang Tri, Phu Bai.

Region II. Hoi An, Tam Ky, Chu Lai.

Region III. Kontum, Hau Bon, Phu Cat, Tuy An, Ninh Hoa, Ban Me Thuot.

Region IV. Da Lat, Bao Loc, Phan Rang.

Region V. An Loc, Xuan Loc, Ben Cat, Cu Chi, Tan An.

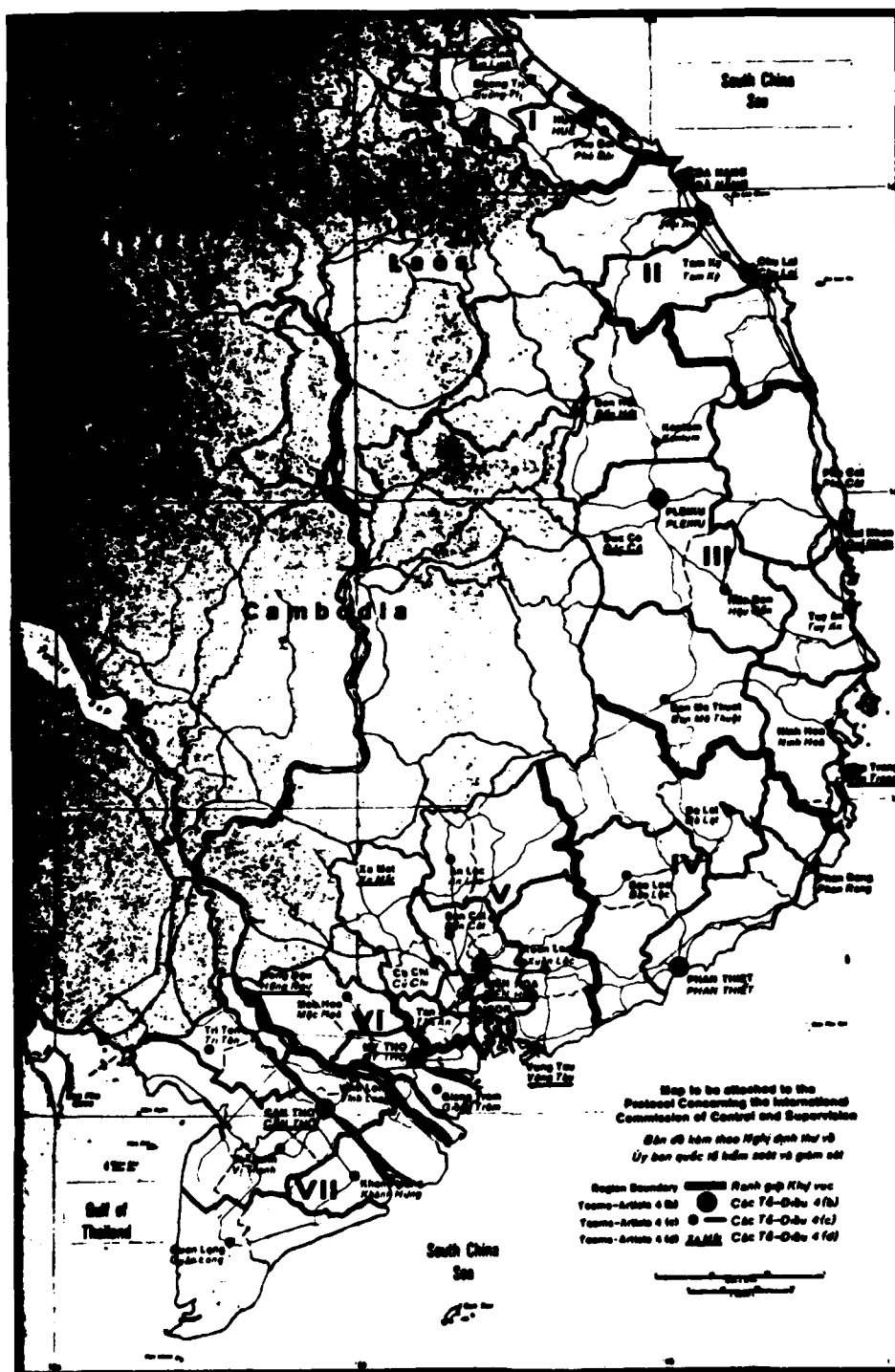
Region VI. Moc Hoa, Giong Trom.

Region VII. Tri Ton, Vinh Long, Vi Thanh, Khanh Hung, Quan Long.

(d) There shall be twelve teams located as shown on the annexed map and based at the following places: Gio Linh (to cover the area south of the Provisional Military Demarcation Line), Lao Bao, Ben Het, Duc Co, Chu Lai, Qui Nhon, Nha Trang, Vung Tau, Xa Mat, Bien Hoa Airfield, Hong Ngu, and Can Tho.

(e) There shall be seven teams, six of which shall be available for assignment to the points of entry which are not listed in paragraph (d) above and which the two South Vietnamese parties choose as points for legitimate entry to South Vietnam for replacement of armaments, munitions, and war material permitted by Article 7 of the Agreement. Any team or teams not needed for the above-mentioned assignment shall be available for other tasks, in keeping with the Commission's responsibility for control and supervision.

(f) There shall be seven teams to control and supervise the return of captured and detained personnel of the parties.



*Article 5*

(a) To carry out its tasks concerning the return of the captured military personnel and foreign civilians of the parties as stipulated by Article 8(a) of the Agreement, the International Commission shall, during the time of such return, send one control and supervision team to each place in Vietnam where the captured persons are being returned, and to the last detention places from which these persons will be taken to the places of return.

(b) To carry out its tasks concerning the return of the Vietnamese civilian personnel captured and detained in South Vietnam mentioned in Article 8 (c) of the Agreement, the International Commission shall, during the time of such return, send one control and supervision team to each place in South Vietnam where the above-mentioned captured and detained persons are being returned, and to the last detention places from which these persons shall be taken to the places of return.

*Article 6*

To carry out its tasks regarding Article 9 (b) of the Agreement on the free and democratic general elections in South Vietnam, the International Commission shall organize additional teams, when necessary. The International Commission shall discuss this question in advance with the National Council of National Reconciliation and Concord. If additional teams are necessary for this purpose, they shall be formed thirty days before the general elections.

*Article 7*

The International Commission shall continually keep under review its size, and shall reduce the number of its teams, its representatives or other personnel, or both, when those teams, representatives or personnel have accomplished the tasks assigned to them and are not required for other tasks. At the same time, the expenditures of the International Commission shall be reduced correspondingly.

*Article 8*

Each member of the International Commission shall make available at all times the following numbers of qualified personnel:

- (a) One senior representative and twenty-six others for the headquarters staff.
- (b) Five for each of the seven regional teams.
- (c) Two for each of the other international control teams, except for the teams at Gio Linh and Vung Tau, each of which shall have three.
- (d) One hundred sixteen for the purpose of providing support to the Commission Headquarters and its teams.

*Article 9*

(a) The International Commission, and each of its teams, shall act as a single body comprising representatives of all four members.

(b) Each member has the responsibility to ensure the presence of its representatives at all levels of the International Commission. In case a representative is absent, the member concerned shall immediately designate a replacement.

*Article 10*

(a) The parties shall afford full cooperation, assistance, and protection to the International Commission.

(b) The parties shall at all times maintain regular and continuous liaison with the International Commission. During the existence of the Four-Party Joint Military Commission, the delegations of the parties to that Commission shall also perform liaison functions with the International Commission. After the Four-Party Joint Military Commission has ended its activities, such liaison shall be maintained through the Two-Party Joint Military Commission, liaison missions, or other adequate means.

(c) The International Commission and the Joint Military Commissions shall closely cooperate with and assist each other in carrying out their respective functions.

(d) Wherever a team is stationed or operating, the concerned party shall designate a liaison officer to the team to cooperate with and assist it in carrying out without hindrance its task of control and supervision. When a team is carrying out an investigation, a liaison officer from each concerned party shall have the opportunity to accompany it, provided the investigation is not thereby delayed.

(e) Each party shall give the International Commission reasonable advance notice of all proposed actions concerning those provisions of the Agreement that are to be controlled and supervised by the International Commission.

(f) The International Commission, including its teams, is allowed such movement for observation as is reasonably required for the proper exercise of its functions as stipulated in the Agreement. In carrying out these functions, the International Commission, including its teams, shall enjoy all necessary assistance and cooperation from the parties concerned.

*Article 11*

In supervising the holding of the free and democratic general elections described in Articles 9 (b) and 12 (b) of the Agreement in accordance with modalities to be agreed upon between the National Council of National Reconciliation and Concord and the International Commission, the latter shall receive full cooperation and assistance from the National Council.

*Article 12*

The International Commission and its personnel who have the nationality of a member state shall, while carrying out their tasks, enjoy privileges and immunities equivalent to those accorded diplomatic missions and diplomatic agents.

*Article 13*

The International Commission may use the means of communication and transport necessary to perform its functions. Each South Vietnamese party shall make available for rent to the International Commission appropriate office and accommodation facilities and shall assist it in obtaining such facilities. The International Commission may receive from the parties, on mutually agreeable terms, the necessary means of communication and transport and may purchase from any

source necessary equipment and services not obtained from the parties. The International Commission shall possess these means.

*Article 14*

The expenses for the activities of the International Commission shall be borne by the parties and the members of the International Commission in accordance with the provisions of this Article:

(a) Each member country of the International Commission shall pay the salaries and allowances of its personnel.

(b) All other expenses incurred by the International Commission shall be met from a fund to which each of the four parties shall contribute twenty-three percent (23%) and to which each member of the International Commission shall contribute two percent (2%).

(c) Within thirty days of the date of entry into force of this Protocol, each of the four parties shall provide the International Commission with an initial sum equivalent to four million, five hundred thousand (4,500,000) French francs in convertible currency, which sum shall be credited against the amounts due from that party under the first budget.

(d) The International Commission shall prepare its own budgets. After the International Commission approves a budget, it shall transmit it to all parties signatory to the Agreement for their approval. Only after the budgets have been approved by the four parties to the Agreement shall they be obliged to make their contributions. However, in case the parties to the Agreement do not agree on a new budget, the International Commission shall temporarily base its expenditures on the previous budget, except for the extraordinary, one-time expenditures for installation or for the acquisition of equipment, and the parties shall continue to make their contributions on that basis until a new budget is approved.

*Article 15*

(a) The headquarters shall be operational and in place within twenty-four hours after the cease-fire.

(b) The regional teams shall be operational and in place, and three teams for supervision and control of the return of the captured and detained personnel shall be operational and ready for dispatch within forty-eight hours after the cease-fire.

(c) Other teams shall be operational and in place within fifteen to thirty days after the cease-fire.

*Article 16*

Meetings shall be convened at the call of the Chairman. The International Commission shall adopt other working procedures appropriate for the effective discharge of its functions and consistent with respect for the sovereignty of South Vietnam.

*Article 17*

The Members of the International Commission may accept the obligations of this Protocol by sending notes of acceptance to the four parties signatory to the Agreement. Should a member of the International Commission decide to withdraw

from the International Commission, it may do so by giving three months notice by means of notes to the four parties to the Agreement, in which case those four parties shall consult among themselves for the purpose of agreeing upon a replacement member.

*Article 18*

This Protocol shall enter into force upon signature by plenipotentiary representatives of all the parties participating in the Paris Conference on Vietnam. It shall be strictly implemented by all the parties concerned.

DONE in Paris this twenty-seventh day of January, One Thousand Nine Hundred and Seventy-Three, in Vietnamese and English. The Vietnamese and English texts are official and equally authentic.

[Separate Numbered Page]

For the Government of the United States of America:

WILLIAM P. ROGERS,  
*Secretary of State.*

For the Government of the Republic of Vietnam:

TRAN VAN LAM,  
*Minister for Foreign Affairs.*

[Separate Numbered Page]

For the Government of the Democratic Republic of Vietnam:

NGUYEN DUY TRINH,  
*Minister for Foreign Affairs.*

For the Provisional Revolutionary Government of the Republic of South Vietnam:

NGUYEN THI BINH,  
*Minister for Foreign Affairs.*

PROTOCOL TO THE AGREEMENT ON ENDING THE WAR AND RESTORING PEACE  
IN VIETNAM CONCERNING THE INTERNATIONAL COMMISSION OF CONTROL  
AND SUPERVISION

The Government of the United States of America, with the concurrence of the Government of the Republic of Vietnam,

The Government of the Democratic Republic of Vietnam, with the concurrence of the Provisional Revolutionary Government of the Republic of South Vietnam,

In implementation of Article 18 of the Agreement on Ending the War and Restoring Peace in Vietnam signed on this date providing for the formation of the International Commission of Control and Supervision,

Have agreed as follows:

[Text of Protocol Articles 1-17 same as above]

*Article 18*

The Protocol to the Paris Agreement on Ending the War and Restoring Peace in Vietnam concerning the International Commission of Control and Supervision shall enter into force upon signature of this document by the Secretary of State of the Government of the United States of America and the Minister for Foreign Affairs of the Government of the Democratic Republic of Vietnam, and upon signature of a document in the same terms by the Secretary of State of the Government of the United States of America, the Minister for Foreign Affairs of the Government of the Republic of Vietnam, the Minister for Foreign Affairs of the Government of the Democratic Republic of Vietnam, and the Minister for Foreign Affairs of the Provisional Revolutionary Government of the Republic of South Vietnam. The Protocol shall be strictly implemented by all the parties concerned.

DONE in Paris this twenty-seventh day of January, One Thousand Nine Hundred and Seventy-Three, in Vietnamese and English. The Vietnamese and English texts are official and equally authentic.

For the Government of the United States of America:

WILLIAM P. ROGERS,  
*Secretary of State.*

For the Government of the Democratic Republic of Vietnam:

NGUYEN DUY TRINH,  
*Minister for Foreign Affairs.*



## **APPENDIX E**

### **PROTOCOL ON MINE CLEARING IN NORTH VIETNAM**

[White House press release dated January 24]

**PROTOCOL TO THE AGREEMENT ON ENDING THE WAR AND RESTORING PEACE  
IN VIETNAM CONCERNING THE REMOVAL, PERMANENT DEACTIVATION, OR  
DESTRUCTION OF MINES IN THE TERRITORIAL WATERS, PORTS, HARBORS,  
AND WATERWAYS OF THE DEMOCRATIC REPUBLIC OF VIETNAM**

The Government of the United States of America,  
The Government of the Democratic Republic of Vietnam,  
In implementation of the second paragraph of Article 2 of the Agreement on  
Ending the War and Restoring Peace in Vietnam signed on this date,  
Have agreed as follows:

#### *Article 1*

The United States shall clear all the mines it has placed in the territorial waters, ports, harbors, and waterways of the Democratic Republic of Vietnam. This mine clearing operation shall be accomplished by rendering the mines harmless through removal, permanent deactivation, or destruction.

#### *Article 2*

With a view to ensuring lasting safety for the movement of people and watercraft and the protection of important installations, mines shall, on the request of the Democratic Republic of Vietnam, be removed or destroyed in the indicated areas; and whenever their removal or destruction is impossible, mines shall be permanently deactivated and their emplacement clearly marked.

#### *Article 3*

The mine clearing operation shall begin at twenty-four hundred (2400) hours GMT on January 27, 1973. The representatives of the two parties shall consult immediately on relevant factors and agree upon the earliest possible target date for the completion of the work.

#### *Article 4*

The mine clearing operation shall be conducted in accordance with priorities and timing agreed upon by the two parties. For this purpose, representatives of the

two parties shall meet at an early date to reach agreement on a program and a plan of implementation. To this end:

(a) The United States shall provide its plan for mine clearing operations, including maps of the minefields and information concerning the types, numbers and properties of the mines;

(b) The Democratic Republic of Vietnam shall provide all available maps and hydrographic charts and indicate the mined places and all other potential hazards to the mine clearing operations that the Democratic Republic of Vietnam is aware of;

(c) The two parties shall agree on the timing of implementation of each segment of the plan and provide timely notice to the public at least forty-eight hours in advance of the beginning of mine clearing operations for that segment.

#### *Article 5*

The United States shall be responsible for the mine clearance on inland waterways of the Democratic Republic of Vietnam. The Democratic Republic of Vietnam shall, to the full extent of its capabilities, actively participate in the mine clearance with the means of surveying, removal and destruction and technical advice supplied by the United States.

#### *Article 6*

With a view to ensuring the safe movement of people and watercraft on waterways and at sea, the United States shall in the mine clearing process supply timely information about the progress of mine clearing in each area, and about the remaining mines to be destroyed. The United States shall issue a communique when the operations have been concluded.

#### *Article 7*

In conducting mine clearing operations, the U.S. personnel engaged in these operations shall respect the sovereignty of the Democratic Republic of Vietnam and shall engage in no activities inconsistent with the Agreement on Ending the War and Restoring Peace in Vietnam and this Protocol. The U.S. personnel engaged in the mine clearing operations shall be immune from the jurisdiction of the Democratic Republic of Vietnam for the duration of the mine clearing operations.

The Democratic Republic of Vietnam shall ensure the safety of the U.S. personnel for the duration of their mine clearing activities on the territory of the Democratic Republic of Vietnam, and shall provide this personnel with all possible assistance and the means needed in the Democratic Republic of Vietnam that have been agreed upon by the two parties.

#### *Article 8*

This Protocol to the Paris Agreement on Ending the War and Restoring Peace in Vietnam shall enter into force upon signature by the Secretary of State of the Government of the United States of America and the Minister for Foreign Affairs of the Government of the Democratic Republic of Vietnam. It shall be strictly implemented by the two parties.

DONE in Paris this twenty-seventh day of January, One Thousand Nine Hundred and Seventy-Three, in Vietnamese and English. The Vietnamese and English texts are official and equally authentic.

For the Government of the United States of America:

WILLIAM P. ROGERS,  
*Secretary of State.*

For the Government of the Democratic Republic of Vietnam:

NGUYEN DUY TRINH,  
*Minister for Foreign Affairs.*

## APPENDIX F

### LIST OF ACRONYMS

ARVN	The Army of the Republic of Vietnam; the South Vietnamese Army
CINCPAC	Commander in Chief, Pacific (US)
CJCS	Chairman, Joint Chiefs of Staff (US)
COMUSMACV	Commander, US Military Assistance Command, Vietnam
COSVN	Central Office for South Vietnam (Viet Cong)
DRAC	Delta Regional Assistance Command (US)
DRV	The Democratic Republic of Vietnam; North Vietnam
FPJMC	Four-Party Joint Military Commission
FPJMT	Four-Party Joint Military Team
FRAC	First Regional Assistance Command (US)
FWMAF	Free World Military Assistance Forces
GVN	Government of Vietnam (of the Republic of Vietnam, South Vietnam)
ICC	International Control Commission (from 1954 Accords)
ICCS	International Commission of Control and Supervision (from 1973 Agreement and Protocols)
JCS	US Joint Chiefs of Staff
JGS	Joint General Staff of South Vietnam
JMC	Joint Military Commission (generally Four-Party in this study)
JTD	Joint Table(s) of Distribution
MAAG	Military Assistance Advisory Group (US)
MACV	Military Assistance Command, Vietnam (US)

NVA	North Vietnamese Army
PA&E	Pacific Architects and Engineers
PRG	Provisional Revolutionary Government of the Republic of South Vietnam; the Viet Cong leadership
PRGRSVN	Provisional Revolutionary Government of the Republic of South Vietnam; the Viet Cong leadership
RVN	The Republic of Vietnam; South Vietnam
RVNAF	Republic of Vietnam Armed Forces
SVN	South Vietnam(ese)
SRAC	Second Regional Assistance Command (US)
TPJMC	Two-Party Joint Military Commission
TRAC	Third Regional Assistance Command (US)
USARV	US Army, Vietnam
USDEL	US Delegation, Four-Party Joint Military Commission
VC	Viet Cong; the insurgents in South Vietnam
WNRC	Washington National Records Center

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"Final Report, US Delegation, Four-Party Joint Military Commission." n.d. This is the basic document from which this study was derived. It was prepared in Saigon and in Washington from February to June 1973. The Letter of Transmittal and the basic synoptic cover letter were signed by the Chief, US Delegation (by then The Inspector General of the Army) in late June 1973, with limited distribution in the US Government. It will remain a basic narrative source for scholars and analysts interested specifically in how the ultimate American force withdrawal was planned and executed, along with prisoner-of-war releases and efforts to bring about an effective cease-fire. The copy used herein is on file with the US Army Center of Military History, Washington, D.C.

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